

1994 BILL 1

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Second Session, 23rd Legislature, 43 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 1

LABOUR BOARDS AMALGAMATION ACT

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THE PREMIER

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## **BILL 1**

1994

### **LABOUR BOARDS AMALGAMATION ACT**

*(Assented to , 1994)*

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

#### **Labour Relations Code**

*1(1) The Labour Relations Code is amended by this section.*

*(2) Section 8(2) is repealed and the following is substituted:*

**(2) The Board shall be composed of persons appointed as members of the Board by the Lieutenant Governor in Council.**

**(2.1) One of the members of the Board shall be designated as Chairman and other members of the Board may be designated as vice-chairmen.**

**(2.2) The Chairman may designate a vice-chairman as acting Chairman to act as Chairman when the Chairman is temporarily unable to act or is temporarily absent.**

**(2.3) The Lieutenant Governor in Council may establish Divisions of the Board and, in that case,**

- (a) the Chairman is, by reason of his office, a member of each Division,**
- (b) a vice-chairman and a member may be appointed to one or more Divisions and more than one vice-chairman may be appointed to a Division,**
- (c) a vice-chairman may sit as a vice-chairman only in a Division to which he was appointed, and**

## **Explanatory Notes**

### **Labour Relations Code**

**1(1)** Amends chapter L-1.2 of the Statutes of Alberta, 1988.

**(2)** Section 8(2) presently reads:

*(2) The Board shall be composed of persons appointed as members of the Board by the Lieutenant Governor in Council, one of whom shall be designated as Chairman, and others of whom may be designated as vice-chairmen.*

- (d) the Chairman may on a case-by-case basis assign a member to a Division other than the Division to which the member was appointed.

(3) *Section 9 is repealed and the following is substituted:*

Sittings and  
business of  
Board

**9(1)** The members of the Board shall meet at the times and places specified by the Chairman or a vice-chairman and may meet as the Board or as a panel established under subsection (4).

**(2)** The Chairman shall assign the business of the Board to the Division that, in the Chairman's opinion, is the appropriate Division to conduct the business.

**(3)** The Chairman's decision under subsection (2) is final.

**(4)** The Chairman may establish from the members of a Division panels to conduct the Board's business that is assigned to that Division.

**(5)** At the direction of the Chairman, a vice-chairman shall preside at a meeting of the Board or a panel.

**(6)** A quorum of the Board or a panel is the Chairman or a vice-chairman presiding at the meeting and 2 other members.

**(7)** A decision of a majority of the members of the Board or a panel present and constituting a quorum is the decision of the Board, but if there is a tie vote, the Chairman or the vice-chairman presiding at the meeting may cast a 2nd vote.

**(8)** Notwithstanding any vacancy in the membership of the Board, if at least 3 members remain in office, the remaining members have and may exercise and perform the powers, duties and functions of the Board.

**(9)** If a member of the Board resigns or his appointment terminates, he may carry out and complete the duties or responsibilities and continue to exercise the powers that he would have had if he had not ceased to be a member in relation to a proceeding in which he participated as a member of the Board, until the proceeding is completed.

**(10)** Notwithstanding subsection (6), the Chairman or a vice-chairman may sit alone to hear and decide a question under section 11(3)(b), (d), (l), (m), (n) or (o), 13(2) or 74(4).

**(11)** The Chairman or a vice-chairman sitting alone may

(3) Section 9 presently reads:

*9(1) The members of the Board shall meet at the times and places specified by the Chairman or a vice-chairman, and may meet as the Board or as divisions of the Board.*

*(2) At the direction of the Chairman, a vice-chairman shall preside at a meeting of the Board or one of its divisions.*

*(3) A quorum of the Board or of a division of the Board is the Chairman or a vice-chairman presiding at the meeting and 2 other members.*

*(4) A decision of a majority of the members of the Board or a division of the Board present and constituting a quorum is the decision of the Board, but if there is a tie vote, the Chairman or the vice-chairman presiding at the meeting may cast a 2nd vote.*

*(5) Notwithstanding any vacancy in the membership of the Board, if at least 3 members remain in office, the remaining members have and may exercise and perform the powers, duties and functions of the Board.*

*(6) If a member of the Board resigns or his appointment terminates, he may carry out and complete the duties or responsibilities and continue to exercise the powers that he would have had if he had not ceased to be a member in relation to a proceeding in which he participated as a member of the Board, until the proceeding is completed.*

*(7) Notwithstanding subsection (3), the Chairman or a vice-chairman may sit alone to hear and decide a question under section 11(3)(b), (d), (l), (m), (n) or (o) or section 74(4).*

*(8) When the Chairman or a vice-chairman sits alone under subsection (7) or the Board meets as a division of the Board under subsection (1), the Chairman, vice-chairman or division, as the case may be, shall be deemed to be the Board for the purposes of this Act.*

- (a) where all of the parties consent, or
- (b) where, after a period of notice determined by the Board, none of the parties object,

grant any order or directive within the Board's jurisdiction.

(12) When the Chairman or a vice-chairman sits alone under subsection (10) or (11) or the Board meets as a panel, the Chairman, vice-chairman or panel, as the case may be, is deemed to be the Board for the purposes of this Act.

Staff

**9.1(1)** In accordance with the *Public Service Act* there may be appointed any employees necessary for the administration of this Act or any other enactment administered by the Board.

(2) For the purposes of the *Financial Administration Act* the Chairman has all the powers of the deputy head of a department.

(4) *Section 10(1) is amended by striking out "a panel consisting of".*

(5) *Section 11(2)(g) is repealed and the following is substituted:*

(g) make rules

- (i) of procedure for the conduct of its business, including inquiries and hearings,
- (ii) for the giving of notice and the service of documents,
- (iii) for the charging of fees for services or materials provided by or at the direction of the Board in a proceeding before it or in an application under section 18(2), and
- (iv) for any other matters it considers necessary,

(6) *Section 15 is amended*

(a) *by adding the following after subsection (1):*

(4) Section 10(1) presently reads:

*10(1) Notwithstanding section 9, the Chairman may, where in the interest of settlement of the matter in dispute it is desirable to do so, assign any matter before the Board to a panel consisting of 1 or more members of the Board.*

(5) Section 11(2)(g) presently reads:

*(2) The Board may for the purposes of this Act*

*(g) make rules of procedure for the conduct of its business, for the giving of notice, for the service of documents, for hearing and conducting inquiries and for any other matters it considers necessary.*

(6) Section 15 presently reads in part:

*15(1) An employer, employers' organization, employee, trade union or other interested person may make a complaint in writing to the Board that there has been or is a failure to comply with any provision of this Act that is specified in the complaint.*

(1.1) The Board may refuse to accept any complaint that is made more than 90 days after the complainant knew, or in the opinion of the Board ought to have known, of the action or circumstances giving rise to the complaint.

(b) in subsection (3)(b) by striking out “a panel of”.

(7) *The following is added after section 18:*

Report by  
Board

**18.1(1)** The Board shall at the end of each Government fiscal year make a report on the operations of the Board during that year to the Minister.

(2) On receipt of the report referred to in subsection (1) by the Minister, he shall lay a copy of it before the Legislative Assembly if it is then sitting and if not, within 15 days after the commencement of the next sitting.

(8) *Section 155(2) is amended by adding “to rules made by the Board under section 11(2)(g) or” after “apply”.*

#### **Public Service Employee Relations Act**

2(1) *The Public Service Employee Relations Act is amended by this section.*

(2) *Section 1 is amended*

(a) *by repealing clause (a);*

(b) *in clause (b) by striking out “an arbitration board” and substituting “a compulsory arbitration board”;*

(c) *by repealing clause (c);*



(3) *When a complaint is made under subsection (1), a reference is made under subsection (2) or any other application to the Board is made under this Act, the Board may do one or more of the following:*

- (a) *appoint an officer to inquire into the complaint, reference or application and endeavour to effect a settlement within a reasonable time;*
- (b) *refer the matter to a panel of 1 or more members of the Board pursuant to section 10(1);*
- (c) *decide the matter itself after any hearings or inquiries that it considers necessary;*
- (d) *where the matter in issue is properly the subject of collective agreement arbitration, or some other proceeding authorized by statute, decline to proceed with the matter or proceed on any terms that the Board considers just;*
- (e) *where the Board is of the opinion that the matter is without merit, or is frivolous, trivial or vexatious, reject the matter summarily.*

(7) Board report to Minister.

(8) Section 155(2) presently reads:

*(2) The Regulations Act does not apply to an order, decision, notice, directive, declaration, award, recommendation or certificate issued or made by the Board, a disputes resolution tribunal or an arbitrator, arbitration board or other body referred to in Division 22.*

### **Public Service Employee Relations Act**

**2(1)** Amends chapter P-33 of the Revised Statutes of Alberta 1980.

(2) Section 1 presently reads in part:

*1 In this Act,*

(a) *“adjudicator” means*

*(i) a person established as a single adjudicator in accordance with this Act or a collective agreement.*

(d) in clause (f) by striking out “pursuant to section 29”;

(e) by repealing clause (g) and substituting the following:

(g) “Board” means the Labour Relations Board;

(f) in clause (1)(iii) by striking out “adjudication” and substituting “arbitration under Part 7”.

(3) Part 2 is repealed and the following is substituted:

## **PART 2**

### **POWERS OF BOARD**

Powers of  
Board

**3(1)** All the provisions of the *Labour Relations Code* relating

(a) to the powers, privileges, immunities and jurisdictions of the Labour Relations Board, its Chairman, vice-chairmen, members and officers,

(b) to hearings procedure,

(c) to enforcement of orders, and

(d) to judicial review,

if those matters are not provided for specifically in this Act, apply and have effect as if those provisions formed part of this Act.

- (ii) *an adjudication board established in accordance with this Act or a collective agreement, or*
  - (iii) *a person or body of persons established in accordance with a collective agreement to settle differences between the parties bound by a collective agreement;*
- (b) *“arbitral item” means a matter that may be referred to an arbitration board under this Act;*
- (c) *“arbitration board” means an arbitration board established by the Board in accordance with this Act;*
- (f) *“bargaining unit” means a unit in respect of which a trade union is certified as a bargaining agent pursuant to section 29;*
- (g) *“Board” means the Public Service Employee Relations Board established by this Act;*
- (l) *“difference” means a difference arising*
  - (i) *as to the interpretation, application or operation of a collective agreement,*
  - (ii) *with respect to a contravention or alleged contravention of a collective agreement, or*
  - (iii) *as to whether a difference referred to in subclauses (i) and (ii) can be the subject of adjudication;*

(3) Replaces existing Part 2 which establishes the Public Service Employee Relations Board and vests jurisdiction in that Board.

(2) In addition to its powers under the *Labour Relations Code* the Board may decide for the purposes of this Act whether

- (a) a corporation, commission, board, council or other body is an employer;
- (b) a person is an employee;
- (c) an organization of employees is a trade union;
- (d) the parties to a dispute have settled the terms and conditions to be included in a collective agreement;
- (e) a collective agreement has been entered into;
- (f) a person is bound by a collective agreement;
- (g) a person is a party to a collective agreement;
- (h) a collective agreement has been entered into on behalf of any person;
- (i) a collective agreement is in effect;
- (j) subject to sections 18 to 20, two or more employees of the same employer are a bargaining unit;
- (k) a person has applied for membership in a trade union;
- (l) a matter in dispute is an arbitral item;
- (m) a person practises his profession as a condition of employment;
- (n) a person is a member in good standing of a trade union;
- (o) a person is or is not included under section 21(1);
- (p) a person is included in or excluded from a unit;

and the Board's decision is final and binding.

(3) The Chairman or a vice-chairman may sit alone to hear and decide a question under subsection (2)(b), (c), (j), (k), (n) or (p).

(4) *Sections 12 and 13 are repealed and the following is substituted:*

(4) Sections 12 and 13 presently read:

Filing of constitution, etc., of trade union

**12(1)** In accordance with the rules and procedures established by the Board, a trade union shall file with the Board

- (a) a copy of its constitution, by-laws or other constitutional documents, and
  - (b) the names and addresses of its president, secretary, officers and other organizers and the names of its officers who are authorized to sign collective agreements.
- (2) The trade union shall send to the Board any changes to the information supplied under subsection (1) as soon as possible after the change is made and in any event when required to do so by the Board.

Disclosure of information

**13** The Board is not required to divulge any information as to whether a person

- (a) is or is not a member of a trade union,
  - (b) has or has not applied for membership in a trade union, or
  - (c) has or has not indicated in writing his selection of a trade union to be, or his opposition to the trade union's being, the bargaining agent on his behalf.
- (5) *Section 19(2) is amended by striking out "section 29(2)(b)(ii)(B)" and substituting "section 25(3)".*
- (6) *Sections 25 to 37 are repealed and the following is substituted:*

Certification

**25(1)** A trade union may apply to the Board to be certified as the bargaining agent for the employees in a unit that the trade union considers appropriate for collective bargaining, and in that case Division 5 of Part 2 of the *Labour Relations Code* applies, subject to subsection (2).

(2) In an application for certification under this Part where the employer is the Crown in right of Alberta, the unit must be the single bargaining unit constituted under section 18.

(3) In an application for certification under this Part where the employer is an employer to whom section 19 applies, the Board shall not certify the unit applied for or a unit reasonably similar to it unless the Board is satisfied that that unit is more appropriate for collective bargaining than the single bargaining unit constituted under section 19.

*12(1) A trade union shall file with the Board*

*(a) a true copy of*

*(i) its constitution or the constitution of the organization from which it receives its charter,*

*(ii) its rules or by-laws, or*

*(iii) if the trade union has both a constitution and rules or by-laws, both of them.*

*and*

*(b) the names and addresses of its president, secretary, officers and other organizers.*

*(2) Any changes to the information supplied under subsection (1) shall be given to the Board within 30 days of the date the change is made.*

*(3) The information sent to the Board under this section shall be used only for the purposes of this Act and shall not be open to inspection by the public.*

*13 The Board is not required to divulge to any employer, employee, trade union or other person any information as to whether a person is or is not a member of a trade union.*

(5) Consequential to change in section 1(5).

(6) Replaces current Part dealing with certification and revocation of bargaining rights with corresponding provisions from the Labour Relations Code.

Voluntary  
recognition

**26(1)** Subject to subsection (2), Division 6 of the *Labour Relations Code* dealing with an employer's right to bargain collectively with a voluntarily recognized trade union acting on behalf of his employees or a unit of them applies to employers, employees and trade unions under this Act.

(2) For the purposes of subsection (1), section 41(1) of the *Labour Relations Code* shall be read as if "section 57(2)" read "Part 5 of the *Public Service Employee Relations Act*".

Revocation of  
bargaining  
rights

**27(1)** A trade union, the employees within a unit or the employer or former employer to whom bargaining rights relate may apply to revoke the bargaining rights, and in that case sections 48 to 52 of the *Labour Relations Code* apply.

(2) Section 53 of the *Labour Relations Code* applies to this Act.

General  
provisions re  
certification  
and voluntary  
recognition

**28** Division 9 of Part 2 of the *Labour Relations Code* applies to this Act.

(7) *Section 38(2) is amended by striking out "30" and substituting "60" and by striking out "90" and substituting "120".*

(8) *Section 39(3) is amended by striking out "20" and substituting "30".*

(9) *Section 42(2) is repealed and the following is substituted:*

(2) When notice to commence collective bargaining has been served under this Act, a collective agreement that applies to the parties at the time of service of the notice shall



(7) Section 38(2) presently reads:

*(2) When a collective agreement is in effect, either party to the collective agreement may, not less than 30 days and not more than 90 days preceding the expiry of the term of the collective agreement or within any longer period that is provided for in the collective agreement, by notice in writing, require the other party to the collective agreement to commence collective bargaining.*

(8) Section 39(3) presently reads:

*(3) On the service of a notice to commence collective bargaining, the bargaining agent and the employer, without delay but in any event within 20 days after the notice is given, shall*

*(a) meet and commence or cause authorized representatives to meet and commence to bargain collectively in good faith, and*

*(b) make every reasonable effort to enter into a collective agreement.*

(9) Section 42(2) presently reads:

*(2) Notwithstanding subsection (1), the parties to a collective agreement may before or after the agreement would otherwise cease to operate agree to continue it, in whole or in part and with or without changes,*

be deemed to continue to apply to the parties, notwithstanding any termination date in the agreement, until

- (a) a new collective agreement is concluded,
- (b) the right of the bargaining agent to represent the employees is terminated, or
- (c) a collective agreement becomes a collective agreement between the parties pursuant to section 60(2).

(10) *Section 46 is repealed and the following is substituted:*

Appointment  
of mediator

**46(1)** If a dispute arises, the Board may, on its own motion or on the request of the employer or the bargaining agent or both, appoint a mediator to assist the parties to resolve the dispute.

**(2)** The Board shall notify the parties of the appointment of a mediator under subsection (1).

**(3)** The expenses and remuneration of the mediator shall be paid jointly by the parties.

(11) *The heading "Arbitration" preceding section 48 is struck out and the heading "Compulsory Interest Arbitration" is substituted.*

(12) *In the following provisions "An arbitration board" is struck out and "A compulsory arbitration board" is substituted:*

section 48(1);  
section 53(5).

(13) *In the following provisions "an arbitration board" is struck out wherever it occurs and "a compulsory arbitration board" is substituted:*

section 48(2);  
section 49(1), (4);  
section 50(1), (2);  
section 51(1), (2);  
section 52(1), (2), (3);  
section 53(1);  
section 54(1);  
section 58(1);  
section 59(2).

(14) *In the following provisions "compulsory" is added before "arbitration" wherever it occurs:*

- (a) for any period less than one year, or*
  - (b) for an unspecified period,*
- while the parties bargain collectively.*

(10) Section 46 presently reads:

*46(1) If a dispute arises and the employer and the bargaining agent request the Board to do so, the Board may appoint a mediator to assist the parties to resolve the dispute.*

*(2) On the appointment of a mediator the Board shall notify the parties accordingly.*

(11) Changes heading.

(12) Change in terminology for consistency with Labour Relations Code.

(13) Change in terminology for consistency with Labour Relations Code.

(14) Change in terminology for consistency with Labour Relations Code.

section 49(2)(a), (b), (c);  
section 53(2), (3), (4), (5), (6)(a), (b);  
section 54(2);  
section 55;  
section 56(1), (3);  
section 57(1);  
section 59(1);  
section 60(1), (2).

(15) *In the following provisions “compulsory” is added between “the” and “arbitration”:*

section 51(1), (2);  
section 54(1);  
section 59(2).

(16) *Section 52.1 is repealed and the following is substituted:*

Expenses and  
remuneration

**52.1** The expenses and remuneration of a person appointed under section 51 or 52 shall be paid

- (a) in the case of a person other than the chairman of the compulsory arbitration board, by the party who appointed or failed to appoint the person, and
- (b) in the case of the chairman of the compulsory arbitration board, jointly by the parties.

(17) *Part 7 is repealed and the following is substituted:*

## **PART 7**

### **COLLECTIVE AGREEMENT ARBITRATION**

Labour  
Relations  
Code applies

**61** Sections 132 to 144 of the *Labour Relations Code* apply in respect of collective agreement arbitration under this Act.

(18) *Section 76 is repealed and the following is substituted:*

Definitions

**76** In this Part,

- (a) “member of a tribunal” means
  - (i) a person appointed as a member of a compulsory arbitration board, and
  - (ii) a person appointed as a member of an arbitration board pursuant to this Act or a collective agreement,

(15) Change in terminology for consistency with Labour Relations Code.

(16) Section 52.1 presently reads:

*52.1 The expenses of the persons appointed under section 51 or 52 shall be paid*

*(a) in the case of a person appointed by an employer or a bargaining agent, by that employer or bargaining agent, and*

*(b) in the case of the chairman or a person appointed by the Board, by the Board.*

(17) Replaces current Part dealing with collective agreement arbitration with corresponding provisions from Labour Relations Code.

(18) Section 76 presently reads:

*76 In this Part,*

*(a) "member of a tribunal" means a person appointed as a member of*

*(i) the Board,*

*(ii) an arbitration board,*

*(iii) an adjudication board, or*

and includes a person acting as a single arbitrator;

- (b) “tribunal” means a compulsory arbitration board, an arbitration board and a single arbitrator.

*(19) Sections 77 and 78 and the headings immediately preceding each of them are repealed.*

*(20) Section 79 is repealed and the following is substituted:*

Restrictions on  
appointments

**79** No person shall be appointed as a member of a tribunal if the person is directly affected by the dispute or difference or has been involved in an attempt to negotiate or settle the dispute or difference.

*(21) Section 86(1)(a) is repealed and the following is substituted:*

- (a) a member of a compulsory arbitration board;

*(22) Section 87 is amended by striking out all the words preceding clause (a) and substituting the following:*

(iv) a person or body of persons appointed by an employer and a bargaining agent pursuant to a collective agreement to settle differences between them,

and includes a person acting as a single adjudicator;

(b) "tribunal" means

(i) the Board,

(ii) an arbitration board, or

(iii) an adjudicator.

(19) Sections 77 and 78 and the headings preceding them presently read:

#### *Reports*

*77(1) The Board shall at the end of each Government fiscal year make a report on the administration of the Act during that year to the Minister of the Crown charged by the Lieutenant Governor in Council with the administration of this Act.*

*(2) On receipt of the report referred to in subsection (1) by the Minister, he shall lay a copy of it before the Legislative Assembly if it is then sitting and if not, within 15 days after the commencement of the next sitting.*

#### *Staff*

*78 In accordance with the Public Service Act there may be appointed any employees necessary for the purposes of this Act.*

(20) Section 79 presently reads:

*79 No person shall be appointed as a single adjudicator or as a member of an arbitration board or adjudication board or as a person or as a member of a body of persons established to resolve differences between an employer and a bargaining agent if the person is directly affected by the dispute or difference or if he has been involved in an attempt to negotiate or settle the dispute or difference.*

(21) Section 86(1) presently reads:

*86(1) The following persons are not compellable witnesses in proceedings before any court respecting any information, material or report obtained by them:*

*(a) a member of the Board or of an arbitration board;*

*(b) a person authorized by the chairman pursuant to section 10;*

*(c) a mediator.*

(22) Section 87 presently reads:

**87** A tribunal may

*(23) Section 88 is amended by striking out “an arbitration or adjudication” and substituting “a compulsory arbitration or an arbitration”.*

*(24) Section 89.1 is amended by striking out “an arbitration board” and substituting “a compulsory arbitration board”.*

*(25) Section 92 is repealed and the following is substituted:*

**Remuneration**

**92** The Board may govern the remuneration, travelling and living expenses to be paid to

(a) the chairman and members of a compulsory arbitration board or arbitration board appointed by the Board, and

(b) a mediator.

#### **Consequential Amendments**

*3(1) The Cancer Programs Act is amended in section 9.1(b) by striking out “adjudication,”.*



*87 An arbitration board, adjudication board or person or the body of persons appointed by an employer and a bargaining agent pursuant to a collective agreement to settle differences or a person acting as a single adjudicator may*

*(a) enter any premises where*

*(i) work is being done or has been done by employees or in which an employer carries on business, or*

*(ii) anything is taking place or has taken place concerning a difference or dispute;*

*(b) inspect and examine any work, material, machinery, appliance or article in the one or more places referred to in clause (a);*

*(c) question an employee under oath in the presence of the parties or their representatives concerning any matter connected with the difference or dispute;*

*(d) authorize any person to do the things that they are permitted to do under this section and to report thereon.*

(23) Section 88 presently reads:

*88 The Arbitration Act does not apply to an arbitration or adjudication under this Act or any award resulting from it.*

(24) Section 89.1 presently reads:

*89.1 If an arbitral award of an arbitration board is questioned or reviewed under section 89, a decision under that section that the award is invalid with respect to one or more arbitral items does not affect the validity of the award as it relates to the other arbitral items unless the Court otherwise directs.*

(25) Section 92 presently reads:

*92(1) The Board may govern the remuneration, travelling and living expenses to be paid to*

*(a) the chairman of an arbitration board and the members of an arbitration board appointed by the Board, and*

*(b) a mediator.*

*(2) For the purposes of the Financial Administration Act, the chairman has all the powers of the head of a department or the deputy head of a department.*

### **Consequential Amendments**

**3** Consequential amendments.

*(2) The Conflicts of Interest Act is amended in Part 3 of the Schedule to the Act by striking out "Public Service Employee Relations Board".*

*(3) The Public Service Act is amended in sections 1(c)(v), (d)(v) and 2(2) by striking out "Public Service Employee Relations Board" and substituting "Labour Relations Board".*

#### **Transitional**

*4 Notwithstanding section 2(6) and (16) of this Act, where on the coming into force of this section*

*(a) an application under the Public Service Employee Relations Act under section 25 for certification as a bargaining agent, under section 32 for revocation of the certification of a bargaining agent or under section 34 for a declaration that a bargaining agent is no longer entitled to bargain collectively has been made and has not been disposed of, or*

*(b) a proceeding has been commenced under Part 7 of the Public Service Employee Relations Act but has not been completed,*

*the Public Service Employee Relations Act as it existed immediately before the coming into force of this section continues to apply in respect of that application or proceeding until it is disposed of or completed, and any reference in those provisions to "Board" or "Public Service Employee Relations Board" shall be read as a reference to "Labour Relations Board".*

#### **Commencement**

*5 This Act comes into force on Proclamation.*

## **Transitional**

### **4 Transitional.**

## **Commencement**

### **5 Coming into force.**