

Bill No. 58 of 1944.

A BILL TO AMEND THE INDUSTRIAL CONCILIATION
AND ARBITRATION ACT.

NOTE.

This Bill amends *The Industrial Conciliation and Arbitration Act*, chapter 280, R.S.A., 1942.

Section 1 of the Bill amends section 2 of the Act as follows; new definitions; the first defines an expression already in the Act which was not defined. The other two expressions appear in the proposed amendments. The definition of "dispute" is amended by changing the words "a majority of any class or category of his employees" to "a majority of a unit or classification of his employees", the latter expression being thought more definite. The amendment to paragraph (e) limits the definition of "employee" to those employed otherwise than temporarily. The definition of "organization" is changed by omitting a reference to trade unions which are defined separately by the addition of paragraph (k).

Section 2 of the Bill strikes out section 4 of the Act which reads as follows: "The right of employers and employees to organize for any lawful purpose is hereby recognized", and substitutes the following:

"4. A collective bargaining agency and the acts thereof shall not be deemed to be unlawful by reason only that one or more of its objects are in restraint of trade."

It was thought that section 4 did not give employees any privilege not already existing, and accordingly the new section 4 is introduced.

Section 3 of the Bill strikes out section 5 of the Act, dealing with collective bargaining, and substitutes a new section providing more complete machinery. It has been found in practice that no tribunal had been set up to determine, in cases of dispute, whether any particular group of employees was an appropriate unit for collective bargaining, and whether any particular trade union or association had been duly appointed a bargaining agent. These matters under the new section 5, are to be referred to the Board of Industrial Relations for decision with an appeal to the Minister who will, in proper cases, refer them to a Board of Arbitration for final decision. Representation may be made in each case by the bargaining agent, any other body

claiming to be a bargaining agent and nominated as such at the meeting of employees, and employers or their representatives. The new section 5 also provides for the Board of Industrial Relations or the Minister directing the taking of a vote on other questions in dispute involving labour relations.

Section 5a of the Act, enacted in 1943, and section 7 of the Act are amended by sections 4 and 5 of the Bill to make them accord with other amendments proposed by this Bill. Subsection (5) of the new section 5a puts a time limit of thirty days on negotiations looking towards the completion of a collective agreement, after which time the Minister may intervene in the matter if an agreement has not been reached.

Section 45 of the Act is repealed and a new section substituted. The change made is in the introduction of the words "directly affected by the award", and the words "so directly affected", thus limiting the vote after an arbitration award to the employees affected, in cases where only a unit or classification of employees is a party to the dispute.

The new section 48a enacted by section 7 of the Bill provides for deduction of union dues from an employee's wages when he gives a written order to that effect. The provision is the same as that in *The Mines Act* relating to unit dues.

The new section 54 authorizes the Lieutenant Governor in Council to bring into effect in Alberta the Dominion Order in Council P.C. 1003 of The Wartime Labour Relations Regulations with respect to employments which are still under Provincial control, and authorizes the making of an agreement with the Government of Canada for the administration by the Province of the said regulations.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 58 of 1944.

An Act to amend The Industrial Conciliation and Arbitration Act.

(Assented to _____, 1944.)

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

1. *The Industrial Conciliation and Arbitration Act*, being chapter 280 of the Revised Statutes of Alberta, 1942, is hereby amended as to subsection (1) of section 2,—

(a) by adding immediately after paragraph (a) thereof the following new paragraph:

“(aa) ‘Bargain collectively’ means to negotiate in good faith with a view to the conclusion of a collective labour agreement or an amendment or amendments to an existing agreement, and ‘Collective bargaining’ shall have a similar meaning;”;

(b) by adding immediately after paragraph (b) thereof the following new paragraphs:

“(bb) ‘Collective bargaining agency’ or ‘Bargaining agent’ means any trade union or any organization or association of employees which has bargaining collectively amongst its objects, and shall include elected representatives elected for the purpose of collective bargaining, but it shall not include any trade union or organization or association, the formation, administration, management or policy of which has been assisted or influenced in any way directly or indirectly by the employer or by the employer’s agent;

“(bbb) ‘Board of Industrial Relations’ means the Board of Industrial Relations as constituted under *The Hours of Work Act*;”;

(c) by striking out the words “a majority of any class or category of his employees”, where the same occur in paragraph (d) thereof, and by substituting therefor the words “a majority of a unit or classification of his employees”;

(d) by adding immediately after the word “employed”, where the same occurs in paragraph (e), the words “otherwise than temporarily”;

- (e) by striking out paragraph (j) thereof, and by substituting therefor the following:

“(j) ‘Organization’ when used in relation to employees, means any organization or association of employees formed for the purpose of regulating relations between employers and employees; and when used in relation to employers, means any organization or association of employers formed for the purpose of regulating the relations between employers and employees;”;

- (f) by adding at the end thereof the following new paragraph:

“(k) ‘Trade union’ means a national or international employees’ organization or a local branch chartered by, and in good standing with such an organization.”

2. The said Act is further amended as to section 4 by striking out the same and by substituting therefor the following:

“**4.** A collective bargaining agency and the acts thereof shall not be deemed to be unlawful by reason only that one or more of its objects are in restraint of trade.”

3. The said Act is further amended as to section 5 by striking out the same and by substituting therefor the following:

“**5.—(1)** It shall be lawful for employees to bargain collectively with their employers and to conduct such bargaining through a bargaining agent duly appointed by a majority vote of the employees or by a majority vote of a specified unit or classification of the employees appropriate for collective bargaining.

“(2) The employees of an employer or any specified unit or classification of employees who claim to be appropriate for collective bargaining may appoint a bargaining agent at a meeting of the employees or of the unit or classification of employees held after due notice of the time and place of the meeting and its purpose has been given, and any vote taken at the meeting shall be by secret ballot if more than one bargaining agent is nominated at the meeting.

“(3) Immediately after the holding of any meeting of employees held for the purpose of appointing a bargaining agent to carry on collective bargaining, the chairman of the meeting shall proceed to make and deliver to the Minister a statutory declaration setting out,—

“(a) the name of the employer;

“(b) the place at which the employees are employed;

“(c) the total number of employees or the total number of employees in the unit or classification of the employees, as the case may require;

- “(d) the number of such employees attending the meeting;
- “(e) the names and addresses of the members of the negotiating committee or of the officers of the trade union or organization, as the case may be;
- “(f) the total number of votes cast in favour of the negotiating committee, trade union or organization, as the case may be, appointed as bargaining agent whether a ballot is required or not.

“(4) No appointment of a bargaining agent shall be effective until the provisions of subsection (3) are complied with.

“(5) Upon receipt of the statutory declaration required by subsection (3), the Minister shall refer it to the Board of Industrial Relations for inquiry, and report upon the following matters:

- “(a) whether the trade union, association, organization or elected representatives claiming to be the bargaining agent of the employees or of the unit or classification of the employees is a proper bargaining agent, and whether it has received the votes of the majority of the employees or of the unit or classification of employees, as the case may be;
- “(b) whether, in the case of a unit or classification of employees, the unit or classification is in all the circumstances appropriate for collective bargaining;
- “(c) whether the appointment of the bargaining agent has been made in accordance with the provisions of the Act, and in particular, whether the vote has been properly taken, and as to the number of employees attending the meeting, and as to the result of the vote;
- “(d) any other questions of fact which may be material to enable the Board to determine the matters referred to it.

“(6) In considering the matters referred to it under subsection (5), the Board of Industrial Relations may receive written or oral representations from the bargaining agent claiming to have been appointed, and from any other bargaining agent nominated at the meeting, and from the employer or employers, and any party interested may appear by counsel or agent and shall complete its inquiries and report to the Minister within fourteen days after the matter has been referred to it.

“(7) On receipt of the report, the Minister shall forthwith notify all parties interested as to the findings of the Board, which shall, if no appeal is taken within the time limited hereunder, be conclusive and binding on all parties.

“(8) The bargaining agent claiming to have been appointed, any other bargaining agent who was entitled to make and has made representations in the matter to the said Board, or the employer or employers, may appeal to the Minister from any decision or finding of the Board

within ten days after the Minister has mailed or delivered the notice referred to in subsection (7) to the party proposing to appeal.

“(9) In the event of the Minister receiving a notice of appeal within the time limited, he shall forthwith refer the matters with respect to which the appeal has been taken, to arbitration, and shall notify in writing the representatives of all parties to the dispute that he has so referred it. The arbitration shall be before a board of three arbitrators.

“(10) The provisions of section 19 to 39 (both inclusive), shall *mutatis mutandis* apply to the arbitration, and the words “representative of the employees” where used therein shall be deemed to apply to the bargaining agent of the employees claiming to have been appointed pursuant to the provisions of this section.

“(11) After making full inquiry, and within seven days after the Board is designated, it shall report its findings to the Minister, and such findings shall be final, conclusive and binding on all parties interested.

“(12) On a hearing before the Industrial Relations Board or before an Arbitration Board, the Board of Industrial Relations or the Board of Arbitration, as the case may be, may, if not satisfied that the bargaining agent before referred to has been regularly and properly appointed, direct another vote to be taken under its supervision, and may give directions as to the manner of taking the vote and the procedure to be followed before and after the taking of the vote.

“(13) The Board of Industrial Relations on the request of the employer or on receipt of a petition signed by not less than fifty per centum of the employees affected, or on the direction of the Minister, may direct a vote to be taken under its supervision on any question involving the relations between the employer and his employees or any unit or classification of the employees as to which there is a dispute or as to which it is desirable to have an expression of opinion by the employees.

“(14) The vote shall be by secret ballot, and the Board may give directions as to the procedure to be followed during, before and after the taking of the vote.

“(15) When a bargaining agent has been duly appointed in accordance with the provisions of this section, it shall continue as such agent for a period of not less than one year, unless changed by mutual agreement between the employer and employees.”

4. The said Act is further amended as to section 5a,—

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

“5a.—(1) The bargaining agent representing the employees or the unit or classification of employees duly appointed in accordance with the provisions

of section 5, may serve upon the employer or employers a notice of a meeting to be held for the purpose of collective bargaining.”;

- (b) by adding immediately after subsection (4) thereof the following new subsections:

“(5) If negotiations for an agreement have continued for thirty days and either party to the negotiations believes that an agreement will not be completed in a reasonable time, it may so advise the Minister indicating the difficulties encountered, and may ask the Minister to intervene with a view to the completion of an agreement.

“(6) Upon application made pursuant to subsection (5), the Minister may, if he is satisfied that the matter is a proper one for intervention, request the Board of Industrial Relations to intervene with a view to the completion of an agreement.

“(7) Upon receipt of such request, the Board of Industrial Relations shall forthwith in such manner as it thinks proper, endeavour to effect an agreement, and shall within fourteen days of receiving the request, report to the Minister setting forth the result of the reference.

“(8) In case the report of the Board of Industrial Relations is to the effect that it has failed to effect an agreement, the Minister shall forthwith refer the matter to arbitration, and shall notify the representatives of all parties to the dispute that he has so referred it. The arbitration shall be before a board of three arbitrators, and the provisions of sections 19 to 39 (both inclusive), shall *mutatis mutandis* apply to the arbitration.”

5. The said Act is further amended as to section 7 by striking out the words “any class or category of employees”, where the same occur in subsection (2) thereof, and by substituting therefor the words “any unit or classification of employees”.

6. The said Act is further amended as to section 45 by striking out the same and by substituting therefor the following:

“**45.** The question of acceptance or rejection of the award shall be submitted to a separate vote by the employees directly affected by the award, and employers (if more than one employer is involved) respectively. The vote shall be held on such date as may be appointed by the Minister and shall be by secret ballot, and both in the case of the employees so directly affected, and of the employers, the Minister may supervise the taking of the vote.”

7. The said Act is further amended by adding immediately after section 48 the following new section:

“48a. Any employee may by order in writing signed by him, request his employer to apply any part of the moneys due to the employee to the payment of any amount payable by him to any other person for union dues, and the employer shall, from the moneys so due, make the payments as requested by the order, and such order shall be effective only for the amounts specified therein, and such order shall continue in force until revoked by the employee.”

8. The said Act is further amended by adding immediately after section 53 thereof the following new section:

“54.—(1) The Lieutenant Governor in Council may by order declare that on and after a date to be fixed in the order the provisions of his Act and their operation shall be suspended and inoperative to the extent and with respect to the employee or units or classifications of employees set out in the order so long as the order remains in force, and that in lieu thereof in so far as this Act is so suspended and inoperative, the provisions of the Wartime Labour Relations Regulations made by the Governor General in Council by P.C. Order 1003, dated the 17th day of February, 1944, and as amended from time to time, shall be in full force and effect in the Province with respect to employees whose relations with their employers are ordinarily within the exclusive legislative jurisdiction of the Provincial Legislature to regulate to the same extent as if the said Wartime Labour Relations Regulations had been enacted by the Legislature of the Province.

“(2) The Minister may, with the approval of the Lieutenant Governor in Council enter into an agreement with the Government of Canada with respect to the administration of the Wartime Labour Relations Regulations in force in the Province at any time or with respect to the said regulations in so far as they are brought into force pursuant to the provisions of subsection (1) and by such agreement provision may be made for the administration by the Province or by a provincial board or provincial officers of the regulations in whole or in part or of the regulations in so far as they have been brought into force as aforesaid, upon such terms and conditions as may be deemed proper.”

9. This Act shall come into force on the day upon which it is assented to.

No. 58.

FOURTH SESSION
NINTH LEGISLATURE
8 GEORGE VI
1944

BILL

An Act to amend The Industrial Con-
ciliation and Arbitration Act.

Received and read the

First time

Second time

Third time

HON. MR. MANNING.

EDMONTON:
A. Shnitka, King's Printer
1944