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c 34 Labour Relations Amendment Act, 1984

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CHAPTER 34

An Act to amend the Labour Relations Act

Assented to June 27th, 1984

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

1. Subsection 44 (11) of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out “after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later” in the fourth, fifth, sixth and seventh lines.

2. Section 92 of the said Act is repealed and the following substituted therefor:

92. Where, on the complaint of a trade union, council of trade unions, employer or employers’ organization, the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful strike or threatened an unlawful strike or that employees engaged in or threatened to engage in an unlawful strike or any person has done or is threatening to do an act that the person knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will engage in an unlawful strike, the Board may so declare and it may direct what action, if any, a person, employee, employer, employers’ organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

Declaration
and direction
by Board re
unlawful
strike

3.—(1) Subsection 135 (1) of the said Act is repealed and the following substituted therefor:

(1) Where, on the complaint of an interested person, trade union, council of trade unions or employers’ organization, the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an

Direction
by Board re
unlawful
strike

unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful strike or threatened an unlawful strike, or that employees engaged in or threatened to engage in an unlawful strike or any person has done or is threatening to do any act that the person knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will engage in an unlawful strike, it may direct what action, if any, a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

(2) Section 135 of the said Act is amended by adding thereto the following subsection:

Direction
by Board re
unlawful
agreements

(2a) Where, on the complaint of an interested person, trade union, council of trade unions, employers' organization, employee bargaining agency or employer bargaining agency, the Board is satisfied that a person, employee, trade union, council of trade unions, affiliated bargaining agent, employee bargaining agency, employer, employers' organization, group of employers' organizations or employer bargaining agency, bargained for, attempted to bargain for, or concluded any collective agreement or other arrangement affecting employees represented by affiliated bargaining agents other than a provincial agreement as contemplated by subsection 146 (1), it may direct what action, if any, a person, employee, trade union, council of trade unions, affiliated bargaining agent, employee bargaining agency, employer, employers' organization, group of employers' organizations, or employer bargaining agency, shall do or refrain from doing with respect to the bargaining for, the attempting to bargain for, or the concluding of a collective agreement or other arrangement other than a provincial agreement as contemplated by subsection 146 (1).

4. Subsection 137 (1) of the said Act is amended by inserting after "sections" in the first line "135 and".

5. The said Act is amended by adding thereto the following section:

Who may
vote,
employees

149a.—(1) Where an employee bargaining agency or an affiliated bargaining agent conducts a strike vote relating to a provincial bargaining unit or a vote to ratify a proposed provincial agreement, the only persons entitled to cast ballots in the vote shall be,

- (a) employees in the provincial bargaining unit on the date the vote is conducted; and
- (b) persons who are members of the affiliated bargaining agent or employee bargaining agency and who are not employed in any employment,
 - (i) on the day the vote is conducted, if the vote is conducted at a time when there is no strike or lock-out relating to the provincial bargaining unit, or
 - (ii) on the day before the commencement of the strike or lock-out, if the vote is conducted during a strike or lock-out relating to the provincial bargaining unit.

(2) Where an employer bargaining agency or employers' organization conducts a lock-out vote relating to a provincial bargaining unit or a vote to ratify a proposed provincial agreement, the only employers entitled to cast ballots in the vote shall be employers represented by the employer bargaining agency or employers' organization that employed, Idem,
employers

- (a) on the day the vote is conducted, if the vote is conducted at a time when there is no strike or lock-out relating to the provincial bargaining unit; or
- (b) on the day before the commencement of the strike or lock-out, if the vote is conducted during a strike or lock-out relating to the provincial bargaining unit,

employees who are represented by the employee bargaining agency or an affiliated bargaining agent that would be affected by the lock-out or would be bound by the provincial agreement.

(3) Within five days after a vote is completed, the employee bargaining agency, affiliated bargaining agent, employers' organization or employer bargaining agency conducting the vote, as the case may be, shall file with the Minister a declaration in the prescribed form certifying the result of the vote and that it took reasonable steps to secure compliance with subsection (1) or (2), as the case may be. Certification
of
compliance

(4) Where a complaint is made to the Minister that subsection (1) or (2) has been contravened and that the result of a vote has been affected materially thereby, the Minister may, in the Minister's discretion, refer the matter to the Board. Complaints

- Idem (5) No complaint alleging a contravention of this section shall be made except as may be referred to the Board under subsection (4).
- Idem (6) No complaint shall be considered by the Minister unless it is received within ten days after the vote is completed.
- Declaration and direction by Board (7) Where, upon a matter being referred to the Board, the Board is satisfied that subsection (1) or (2) has been contravened and that such contravention has affected materially the results of a vote, the Board may so declare and it may direct what action, if any, a person, employer, employers' organization, affiliated bargaining agent, employee bargaining agency or employer bargaining agency shall do or refrain from doing with respect to the vote and the provincial agreement or any related matter and such declaration or direction shall have effect from and after the day the declaration or direction is made.
- Commencement **6. This Act comes into force on the day it receives Royal Assent.**
- Short title **7. The short title of this Act is the *Labour Relations Amendment Act, 1984*.**