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c 16 Wheel-Trans Labour Dispute Settlement Act, 1986

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CHAPTER 16

An Act respecting the Labour Disputes between All-Way Transportation Corporation (Wheel-Trans Division) and Local 113, Amalgamated Transit Union

Assented to April 25th, 1986

Whereas All-Way Transportation Corporation (Wheel-Trans Division) and Local 113, Amalgamated Transit Union, have been parties to two collective agreements, both of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under the Labour Relations Act; and whereas the parties have not achieved a settlement of the disputes; and whereas the strike by the union against the employer has caused a cessation of transportation services for the handicapped, rendering travel for the handicapped difficult and causing hardship; and whereas the public interest and welfare require that means be provided to bring the strike to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

"employees" means the employees mentioned in subsection 2 (1);

"employer" means All-Way Transportation Corporation (Wheel-Trans Division);

"expiry date" means the 31st day of December, 1985;

"Minister" means the Minister of Labour;

"parties" means the employer and the union;

"union" means Local 113, Amalgamated Transit Union.
(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in the *Labour Relations Act*.

2.—(1) This Act applies to the parties and to the employees of the employer on whose behalf the union is entitled to bargain with the employer under the *Labour Relations Act*.

(2) Except as modified by this Act, the *Labour Relations Act* applies to the parties and to the employees mentioned in subsection (1).

3.—(1) Upon the coming into force of this Act,

(a) the strike shall be terminated immediately by the union and the employees;

(b) every employee shall report for work and shall perform his or her duties in accordance with his or her work assignment;

(c) the employer shall commence start-up operations immediately and, as soon as practicable, shall operate and continue to operate its undertakings to their normal extent, scope and capacity;

(d) no person, employee or officer, official or agent of the employer or the union shall engage in, declare, authorize or acquiesce in any lock-out, strike or picketing or in any activity contrary to any provision of this Act;

(e) the employer shall not, except with the consent of the union, alter the rates of wages of the employees as increased by this Act or any other term or condition of employment, or any right, privilege or duty of the union or the employees, that were in operation on the expiry date; and

(f) the union shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the union or the employees, that were in operation on the expiry date.

(2) Any difference between the parties as to whether or not clauses (1) (e) and (f) have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements that were in force on the expiry date...
were still in operation, and sections 44 and 45 of the Labour Relations Act apply with necessary modifications thereto.

4.—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine and decide upon the matters referred to in section 5.

(2) Where the arbitrator is unable to take up or to carry on his or her duties so as to enable him or her to render a decision within the period of time mentioned in subsection 5 (4), the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator and the inquiry shall begin anew.

(3) The arbitrator shall determine his or her own procedure, but shall give full opportunity to the employer and the union to present their evidence and make their submissions.

(4) The arbitrator has all the powers of an arbitrator under the Labour Relations Act.

5.—(1) The arbitrator shall examine and decide all matters remaining in dispute between the employer and the union immediately before the coming into force of this Act, including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

(2) The arbitrator shall remain seized of and may deal with all matters within the arbitrator's jurisdiction until collective agreements between the employer and the union are in effect.

(3) Where, before or during the proceedings before the arbitrator, the employer and the union agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

(a) the matters not agreed upon between the employer and the union; and

(b) any further matters that the employer and the union agree should be decided by the arbitrator or that appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The collective agreements between the parties shall be for periods in each case commencing on the day immediately
following the expiry date and expiring with the second anniversary of the expiry date.

(5) The arbitrator's decision shall be made within forty-five days after the date of appointment or within such further period of time as the Minister may permit.

6.—(1) The arbitrator's decision shall be binding upon the employer and the union and the employees.

(2) Within seven days of the date of the arbitrator's decision or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the arbitrator's decision and any agreement of the parties, and the documents thereupon constitute collective agreements.

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the arbitrator's decision and any agreement of the parties within the period mentioned in subsection (2), they shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision and any agreement of the parties and submit the document to the parties for execution.

(4) If the parties, or either of them, fail to execute the documents prepared by the arbitrator within a period of seven days from the day the arbitrator submits the documents to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements.

7. The Arbitrations Act and Part I of the Statutory Powers Procedure Act do not apply to the arbitration and the arbitrator's decision under this Act.

8. The basic hourly rates of wages for the employees are hereby increased by 50 cents per hour over the basic hourly wage rates in effect on the expiry date, effective in each case from and including the expiry day to and including the first anniversary of the expiry date and the decision of the arbitrator shall include such increase but nothing in this section prevents the arbitrator from granting increases in the basic wage rates in excess of those established by this section.

9. Sections 92, 93, 94, 95, 97, 98, 99 and 100 of the Labour Relations Act apply to the parties and to the employees with necessary modifications.
10.—(1) A person or union who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a fine of not more than $1,000; or

(b) if the employer or union, to a fine of not more than $10,000.

(2) Each day that a person or the union contravenes any provision of this Act constitutes a separate offence.

11.—(1) No prosecution for an offence under this Act shall be instituted except with the written consent of the Minister.

(2) Section 101 of the Labour Relations Act does not apply to a prosecution for an offence under this Act.

(3) In a prosecution for an offence under this Act, a copy of a consent purporting to have been signed by the Minister is sufficient evidence of the Minister's consent without proof of the signature.

12. The employer and the union shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund.

13. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the later of the two collective agreements made under this Act comes into operation.
