c 113 The Labour Relations Amendment Act, 1979 (No. 2)

Ontario
An Act to amend The Labour Relations Act

Assented to December 20th, 1979

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

1. Section 125 of The Labour Relations Act, being chapter 232 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1977, chapter 31, section 3, is amended by adding thereto the following subsection:

(2) Where an employer is represented by a designated or accredited employer bargaining agency, the employer shall be deemed to have recognized all of the affiliated bargaining agents represented by a designated or certified employee bargaining agency that bargains with the employer bargaining agency as the bargaining agents for the purpose of collective bargaining in their respective geographic jurisdictions in respect of the employees of the employer employed in the industrial, commercial or institutional sector of the construction industry referred to in clause e of section 106, except those employees for whom a trade union other than one of the affiliated bargaining agents holds bargaining rights.

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

131a.—(1) An application for certification as bargaining agent for the employees of an employer employed in the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106 may only be brought by a designated or certified employee bargaining agency on behalf of all the affiliated bargaining agents it represents, and the unit of employees that is appropriate for collective bargaining shall be those employees who would be bound by a provincial agreement.

(2) A voluntary recognition agreement pertaining to employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106 shall only be between the employer of the said employees and a designated or certified employee bargaining agency on behalf of
all the affiliated bargaining agents it represents and the defined bargaining unit shall only be those employees who would be bound by a provincial agreement.

3. Subsection 2 of section 134 of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 31, section 3, is repealed and the following substituted therefor:

(2) A provincial agreement is, subject to and for the purposes of this Act, binding upon the employer bargaining agency, the employers represented by the employer bargaining agency, the employee bargaining agency, the affiliated bargaining agents represented by the employee bargaining agency, the employees represented by the affiliated bargaining agents and employed in the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106, and upon such employers, affiliated bargaining agents and employees as may be subsequently bound by the said agreement.

4. The said Act is further amended by adding thereto the following sections:

134a.—(1) Where an employee bargaining agency desires to call or authorize a lawful strike, all of the affiliated bargaining agents it represents shall call or authorize the strike in respect of all the employees represented by all affiliated bargaining agents affected thereby in the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106, and no affiliated bargaining agent shall call or authorize a strike of such employees except in accordance with this subsection.

(2) Where an employer bargaining agency desires to call or authorize a lawful lock-out, all employers it represents shall call or authorize the lock-out in respect of all employees employed by such employers and represented by all the affiliated bargaining agents affected thereby in the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106 and no employer shall lock out such employees except in accordance with this subsection.

134b.—(1) Where a memorandum of settlement of the terms of a provincial agreement is subject to ratification, the ratification shall take place within thirty days of the signing of the memorandum of settlement.
(2) Where ratification or rejection of a memorandum of settlement of the terms of a provincial agreement does not take place within the period of thirty days, the memorandum of settlement shall come into effect as though it had been ratified and shall constitute a provincial agreement.

5. This Act comes into force on the 1st day of May, 1980.

6. The short title of this Act is The Labour Relations Amendment Act, 1979 (No. 2).