



Talking Union is a bi-monthly newsletter highlighting matters of interest to the labour relations community. We welcome your questions and comments.

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NEW LEGISLATION: BILLS 69 AND 139

In December, 2000, the government proclaimed in force two important pieces of labour legislation, Bill 139 and Bill 69. We reviewed both Bills extensively in previous TALKING UNIONS. The Bills passed without major amendments. This issue highlights the major changes, some of which significantly and negatively interfere with rights previously enjoyed by trade unions.

Bill 139 Highlights

We provide a detailed review of Bill 139, the "Labour Relations Amendment Act, 2000" in TALKING UNION - SPECIAL EDITION, NOVEMBER 2000. Bill 139 makes it easier to terminate a union's bargaining rights, makes it harder for unions to apply for certification, and establishes more intrusive measures on trade unions while they hold bargaining rights. In brief, Bill 139:

- Increases open periods under collective agreements from 2 months to 3 months;
- Imposes a 1 year bar on successive applications for certification by **any** trade union if a representation vote has been held in a certification proceeding and the Applicant Trade Union has withdrawn its application after the vote or the Board has dismissed the application;
- Imposes a mandatory bar on further certification proceedings by **any** trade union if a trade union has withdrawn its application for certification before the representation vote twice within 6 months;
- Requires the Ministry of Labour to produce, within one year, a document detailing the procedures for terminating a union's bargaining rights, after which time unionized employers must post this notice in their workplaces and deliver it annually to all employees in the bargaining unit;
- Where a first contract application is underway before the Board and a termination application is filed, requires the Board to

consider the termination application first and, if the decertification is successful, to dismiss the first contract application;

- Requires unions in first collective agreement situations to have separate ballots, one for ratification, or not, of the agreement, and one for calling a strike, or not, without referring on either ballot to the other question;
- Compels unions to prepare a statement naming any of the union's employees who earned \$100,000.00 or more in salary plus benefits in the previous year and each employee's total earnings and to provide that statement to the Minister annually and to any employees it represents who request it;
- Creates a complaint process if the union has not properly made the salary and benefits disclosures required;
- Allows either party to apply to the Board to terminate a proceeding where no decision or ruling has been made by the Board and six months have passed since the last day of a hearing;

In the construction industry:

- Allows employers to use s. 8.1 to challenge that the trade union does not have the support of 40% of the employees it is seeking to certify;
- Redefines "non-construction employer" to mean an employer who does no work in the construction industry for which the employer expects compensation from an unrelated person;
- Expands project agreements to cover more than one project and to cover future projects.

Bill 69 Highlights

We reviewed and detailed Bill 69, An Act to Amend the Labour Relations Act, 1995, in relation to the Construction Industry, in TALKING UNION - SPECIAL EDITION, MAY 2000. Bill 69 profoundly affects the residential sector of the construction industry. In brief, Bill 69:

- In related and successor employer applications where the union asserts a "key person" is involved, requires the Board to disregard family relationships, to consider the length of the hiatus between the operation of the businesses, the "key person's" role in each business, and the success of the first business following the departure of the key person. This provision applies to all 69/1(4) applications;
- In the Greater Toronto Area, deems that all residential

agreements expire on April 30, 2001, and provides 3 year terms for these agreements;

- In the GTA, limits strikes and lockouts in the residential sector to no longer than until June 15, 2001, followed by interest arbitration;
- Allows Cabinet to pass Regulations deeming abandonment by a trade union of ICI bargaining rights for the employees of an employer;
- Allows an employer bargaining agency or designated regional employers' organization to request that a local union amend a provincial agreement and, failing agreement, to apply for arbitration by final offer selection;
- Proposes to allow greater mobility rights for contractors, although this section of the Act has not yet been proclaimed and no deadline for passing it has been set.