

BILL

No. 59 of 1999-2000

An Act to amend *The Construction Industry Labour Relations Act, 1992* and to make related amendments to *The Trade Union Act*

(Assented to _____, 2000)

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

Short title

1 This Act may be cited as *The Construction Industry Labour Relations Amendment Act, 2000*.

S.S. 1992, c.C-29.11 amended

2 *The Construction Industry Labour Relations Act, 1992* is amended in the manner set forth in this Act.

Section 2 amended

3 **Clause 2(m) is repealed and the following substituted:**

“(m) **‘representative employers’ organization’** means an employers’ organization that is designated pursuant to section 9.1, or designated by the minister pursuant to section 10, to be the exclusive agent to bargain collectively on behalf of all unionized employers in a trade division”.

Section 5 amended

4(1) **Subsections 5(1), (2) and (3) are repealed.**

(2) **Subsection 5(4) is amended by striking out “or determined”.**

(3) **The following subsection is added after subsection 5(4):**

“(5) In discharging the duties of a representative employers’ organization pursuant to this Act or *The Trade Union Act*, a representative employers’ organization shall not act in a manner that is arbitrary, discriminatory or in bad faith in representing any of the employers on whose behalf it acts”.

New section 9.1

5 **The following section is added before section 10:**

“Designation of representative employers’ organizations

9.1 Each employers’ organization set out in Column 1 of the Schedule to this Act is designated as the representative employers’ organization to act as the exclusive agent to bargain collectively on behalf of all unionized employers in the trade divisions set out in Column 2 of the Schedule opposite the name of the employers’ organization”.

New sections 10.1 and 10.2

6 The following sections are added after section 10:

“Right to join representative employers’ organization

10.1 Where a representative employers’ organization is designated pursuant to section 9.1, or designated by the minister pursuant to section 10, to be the exclusive agent to bargain collectively on behalf of all unionized employers in the trade division, each unionized employer in the trade division is entitled to join the representative employers’ organization and participate in its activities.

“Constitution and bylaws of representative employers’ organizations

10.2(1) Subject to this section, the constitution and bylaws of a representative employers’ association are in force only after they are approved or amended by the board pursuant to subsection (4).

(2) A representative employers’ organization must file with the board a copy of its constitution and bylaws:

(a) within 90 days after the coming into force of section 9.1 in the case of a representative employers’ organization that is designated pursuant to that section; and

(b) within 90 days after its designation in the case of a representative employers’ organization that is designated by the minister pursuant to section 10.

(3) Where a representative employers’ organization is designated pursuant to section 9.1, its constitution and bylaws continue in force:

(a) until they are approved or amended by the board pursuant to subsection (4) if the constitution and bylaws are filed with the board in accordance with clause (2)(a); and

(b) until the expiry of the 90-day period set out in clause (2)(a) if the constitution and bylaws are not filed with the board in accordance with that clause.

(4) Within 120 days after the filing of the constitution and bylaws of a representative employers’ organization, the board shall:

(a) approve the constitution and bylaws; or

(b) after conducting a hearing with respect to the matter, amend the constitution and bylaws to ensure that they comply with this Act.

(5) A representative employers’ organization must file with the board a copy of any amendments that it makes to its constitution and bylaws, and no amendment to the constitution or bylaws of a representative employers’ organization has any effect until it is approved by the board”.

Sections 11 to 13 repealed

7 Sections 11 to 13 are repealed.

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Section 14 amended

8 Section 14 is amended:

- (a) in the portion preceding clause (a) by striking out “or determined”; and
- (b) in clause (d) by striking out “or determination”.

Section 15 amended

9 Subsection 15(1) is amended in the portion preceding clause (a) by striking out “or determined”.

Section 16 amended

10(1) Subsection 16(1) is amended in the portion preceding clause (a) by striking out “or determined”.**(2) Subsection 16(2) is amended by striking out “or determined”.**

Section 18 amended

11(1) Subsections 18(1) and (2) are repealed and the following substituted:

“(1) On the application of an employer or a trade union affected, the board may declare more than one corporation, partnership, individual or association to be one unionized employer for the purposes of this Act and *The Trade Union Act* where, in the opinion of the board, associated or related businesses, undertakings or other activities are carried on under common control or direction by or through those corporations, partnerships, individuals or associations”.

(2) Clause 18(4)(b) is repealed and the following substituted:

“(b) are bound by a designation of a representative employers’ organization designated pursuant to section 9.1 or designated by the minister pursuant to section 10”.

(3) Subclause 18(5)(b)(i) is repealed and the following substituted:

“(i) the effect of a designation of a representative employers’ organization with respect to a trade division”.

New sections 18.1 and 18.2

12 The following sections are added after section 18:**“Powers of board re section 18**

18.1 In relation to any proceeding brought pursuant to section 18, the board may:

- (a) order prehearing procedures, including prehearing conferences that are held in private, and direct the times, dates and places of the hearings for those procedures;
- (b) make any examination of records and any inquiries that the board considers necessary;

(c) at any stage of a proceeding, compel any person to provide information or produce records and things that may be relevant to a matter before the board, after providing the parties an opportunity to make representations;

(d) authorize an investigating officer to exercise any of the powers set out in clauses (a) to (c) on behalf of the board.

“Unfair labour practice

18.2(1) It is an unfair labour practice for an employer to discharge, lay off or threaten to discharge or lay off an employee by reason of the coming into force of subsection 18(1) as enacted by *The Construction Industry Labour Relations Amendment Act, 2000* or by reason of a declaration made pursuant to that subsection.

(2) The board may make any order pursuant to section 5 of *The Trade Union Act* with respect to an unfair labour practice described in subsection (1) that the board considers appropriate and, for the purposes of this section, may exercise any ancillary power conferred by that Act in relation to section 5”.

Section 19 amended

13(1) Clause 19(1)(a) is amended by striking out “or determined” and substituting “by the minister pursuant to section 10”.

(2) Subsection 19(2) is repealed and the following substituted:

“(2) An agreement mentioned in subsection (1) must be filed within 90 days after the date of designation by the minister”.

Section 27 amended

14 Section 27 is amended in the portion preceding clause (a) by striking out “or determined”.

Section 29 amended

15 Subsection 29(1) is amended by striking out “or determined”.

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Schedule added

16 The following Schedule is added at the end of the Act:**“Schedule***[Section 9.1]***Designation of Representative Employers’ Organizations**

Column 1 Representative Employers’ Organization	Column 2 Trade Division
Boilermaker Contractors Association of Saskatchewan	Boilermaker
Canadian Automatic Sprinkler Association	Sprinkler-Fitter
Construction Labour Relations Association of Saskatchewan Inc.	Bricklayer/Tilesetter Carpenter Cement Mason/Plasterer Electrical Elevator Constructor Glazier Insulator Ironworker Labourer Millwright Operating Engineer Painter Plumber/Pipefitter Roofer-Labourer Roofer-Sheet Metal Sheet Metal Teamster
Pipeline Contractors Association of Canada	Labourer-Pipeline Operating Engineer-Pipeline Plumber/Pipefitter-Pipeline Teamster-Pipeline
Saskatchewan Powerline Transmission Contractors Association Inc.	Electrical-Powerline Transmission”.

R.S.S. 1978, c.T-17 amended

17(1) *The Trade Union Act* is amended in the manner set forth in this section.

(2) Section 4 is amended:

(a) in subsection (1) by striking out “a vice-chairperson” and substituting “two vice-chairpersons”;

(b) in subclause (1.1)(a)(i) by striking out “vice-chairperson” and substituting “vice-chairpersons”;

(c) in subsection (2) by striking out “the vice-chairperson” and substituting “a vice-chairperson”;

(d) in subsection (4) by striking out “vice-chairperson” wherever it appears and in each case substituting “a vice-chairperson”;

(e) in subsection (5):

(i) by striking out “or vice-chairperson” and substituting “or a vice-chairperson”; and

(ii) by striking out “and vice-chairperson” and substituting “and vice-chairpersons”;

(f) in subsection (6) by striking out “vice-chairperson” wherever it appears and in each case substituting “a vice-chairperson”; and

(g) by adding the following subsection after subsection (12):

“(12.1) The chairperson may designate one or more persons as investigating officers for the purposes of this Act”.

Coming into force

18 This Act comes into force on proclamation.