

Publisher's Note

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COLLECTIVE BARGAINING AND AGREEMENT David J. Corry Release No. 1, July 2023
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Collective Bargaining and Agreement deals with every aspect of the collective bargaining process, including: union-management relations, preparation for bargaining negotiations, and tactics and the law. It offers a practical explanation of industrial relations laws and practices, good faith bargaining in light of recent decisions, the law governing strikes, lockouts, replacement labour and other management-union tactics, as well as why more negotiators are using mutual gains bargaining, including the inner workings of today's most effective bargaining techniques and the factors affecting union-management relations.

Collective Bargaining and Agreement also includes chapters covering key aspects of collective agreements with annotations which include a summary of the law and a discussion of applicable legal cases.

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What's New in this Update:

This release includes updated memos in the Issues in Focus appendix, as well as updates to the Words and Phrases appendix.

Highlights:

WORDS AND PHRASES—With this release, several new entries have been added to the collection of terms with judicial treatments relevant to the interpretation of jurisprudence, statutes, regulations, and collective agreements. Significant new words and phrases with treatments in 2022 and added to the text in this release include: *annual* (Ont. Arb.); *comparable employment* (Ont. C.A.); *continuing contravention* (Y.T. S.C.); *current assignment* (Sask. C.A.); *endeavour* (B.C. Arb.); *extenuating circumstances* (Alta. K.B.); *institutional impediments* (Ont. C.A.); *integrity* (Fed. C.A.); *knowingly* (N.L. S.C.); *retrospective* (Ont. C.A.); and *transfer* (Man. Arb.).

ISSUES IN FOCUS—*What is the legal status of labour unions in cases involving the Canadian Charter of Rights and Freedoms?*—With this release, the research into this issue for the Alberta, British Columbia, Federal, Ontario, and Saskatchewan jurisdictions has been updated to February 2023.

ISSUES IN FOCUS—*Under what circumstances will a union or its executive attract liability for strike-related misconduct or illegal strikes?*—With this release, the research into this issue for the Alberta, British Columbia, Federal, New Brunswick, Newfoundland and Labrador, and Ontario jurisdictions has been updated to November 2022, including to refer to the New Brunswick decision in *Robson* and *University of New Brunswick, Re*, one of many recent decisions to consider the Supreme Court of Canada's decision in *Fullowka*.

ISSUES IN FOCUS—*When and under what circumstances will an arbitrator order (1) the production of medical records, and (2) that the grievor undergo a defence medical examination?*—With this release, the research into this issue for eight jurisdictions has been updated to March 2023.

ISSUES IN FOCUS—*What are the disciplinary powers of an employer during and after a legal strike?*—With this release, the research into this issue for the Federal jurisdiction has been updated to May 2022.

ISSUES IN FOCUS—*Is a union’s status affected by its contractual relationship with its members?*—With this release, the research into this issue for the Federal jurisdiction has been updated to May 2022.

ISSUES IN FOCUS—*If an Ontario corporation becomes insolvent, can a director of the corporation be held personally liable for an employee’s unpaid wages?*—With this release, the research into this issue has been updated to April 2022.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages