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CANADIAN LABOUR LAW

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Available online in *LabourSource* and in print, **Canadian Labour Law, Second Edition** offers a complete and current analysis of collective bargaining laws as they apply to non-government employees across Canada. Labour relations statutes, labour board decisions and judicial cases for all jurisdictions are analyzed, covering a broad range of topics you normally wouldn't find in one resource.

Highlights

Recent court decisions, including:

- *Avocats et notaires de l'Etat quebecois c. Procureure general du Quebec*, 2019 CarswellQue 7879, 2019 QCCS 3897, affirmed 2021 QCCA 559, 2021 CarswellQue 3679, leave to appeal dismissed 2021 CarswellQue 16154 (S.C.C.), on whether back-to-work legislation which, inter alia, imposed a three-year collective agreement with terms inferior to the employer's previous offer was contrary to section 2(d) of the *Canadian Charter of Rights and Freedoms* and, if so, justifiable under section 1; 3:25.

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- *Federation des policiers et policières municipaux du Québec c. Procureur général du Québec*, 2021 QCCS 4105, 2021 CarswellQue 16343, on whether legislation which, *inter alia*, established a dispute resolution council providing the provincial government with control over the selection and appointment of the interest arbitrators that police and firefighters were obligated to use to resolve their collective bargaining disputes was contrary to section 2(d) of the *Canadian Charter of Rights and Freedoms* and, if so, justifiable under section 1; 3:25.
- *Federation des policiers et policières municipaux du Québec c. Procureur général du Québec*, 2023 CarswellQue 14249, 2023 QCCS 3333, on whether legislation which prevented police officers subject to compulsory interest arbitration from altering their uniforms as a means of publicly protesting their working conditions was contrary to sections 2(b) and 2(d) of the *Canadian Charter of Rights and Freedoms* and, if so, justifiable under section 1; 3:25, 3:28, 10:4.
- *Reference re Impact Assessment Act*, 2023 SCC 23, 2023 CarswellAlta 2575, on whether the federal environmental assessment scheme, embodied in the *Impact Assessment Act* and regulations, was in pith and substance directed at regulating the effects within federal jurisdiction in respect of designated intra-provincial projects otherwise within exclusive provincial jurisdiction given the wide net cast by the scheme's designation mechanism; 3:1, 3:3.

Recent labour board decisions, including:

- *Alberta Health Services and AUPE, Re*, 2023 CarswellAlta 1830 (Alta.L.R.B.), on whether the board should suspend the deduction and remittance of union dues pursuant to s. 114 of the *Code* where an employer's essential service workers had engaged in an unlawful strike; 11:30.
- *Association des professeurs du Collège français-Annexe Sud c. Collège français primaire inc.*, 2023 QCTAT 4479, on whether an employer had interfered with a union contrary to s. 12 of the *Quebec Labour Code* where a union's executive composed of employees presented the results of a highly critical teaching staff survey to senior management and were later warned not to repeat such harassment of the school's director; 10:4.
- *ATU, Local 846 v. River North Transit LLC*, 2023 CarswellOnt 18802 (Ont.L.R.B.), on whether the Ontario board has the power to relieve against an applicant union's failure to deliver an application for certification to an employer within the required time frame and, if so, whether that power should be exercised; 7:24, 9:2, 15:6.
- *Construction Labourers and General Workers, Local 900 and NK Quality Restoration Inc., Re*, 2023 CarswellPEI 47 (P.E.I.L.R.B.), on whether an employer had interfered with its employees' rights to freely choose trade union representation by allegedly referring to two employee organizers as "ringleaders"; failing to recall these two employees following the Christmas break; and, as allegedly documented in three surreptitious audio recordings, attempting to intimidate outside union representatives by threats of harm, surveillance and litigation; 10:4.
- *CUPE, Local 3884 and Southhampton House Ltd.*, 2023 CarswellNB 148 (N.B.L.E.B.), on whether failing to apply a practice of paying wage increases upon the employer receiving the related public funding breached the statutory freeze provision; 10:13.

- *CUPE, Local 5412 and Paladin Security Group Ltd., Re*, 2023 CarswellNB 434 (N.B.L.E.B.), on whether the issuance of a derogatory memo to employees generally questioning the motives of trade unions and recommending a known anti-union website as a source of accurate information regarding unionization constituted employer interference with the representation of employees by a trade union contrary to s. 3(1) of the New Brunswick Act; 10:9.
- *LIUNA, Local 3000 v. City View Retirement Community Ltd.*, 2023 CarswellOnt 17534 (Ont.L.R.B.); on the requirements for video evidence to be admissible; 5:11.
- *Loblaws inc. (Provigo) c. Syndicat des travailleurs et travailleuses de Presto Libre-Service de la region de Quebec (CSN)*, 2023 QCTAT 4769, on whether the tribunal should direct a secret ballot vote on the employer's latest offer and the factors considered by the tribunal in exercising its discretion; 11:27.
- *OPSEU/SEFPO v. Alternatives Community Program Services*, 2023 CarswellOnt 10883 (Ont.L.R.B.); on whether the interim reinstatement of a union's sole inside organizer who had been dismissed for alleged harassment met the balance of labour relations harm test; 10:39.
- *The Corporation of the Village of Fruitvale*, 2023 CarswellBC 1783, 2023 BCLRB 100, on whether an employer's attempt to persuade its employees that a reasonable proposal had been made to their trade union in collective bargaining breached the duty to bargain in good faith; 10:27.
- *Unifor v. Residence Inn*, 2023 CarswellOnt 18204 (Ont.L.R.B.), on the factors to be considered by the labour board in responding to contemporaneous competing representation applications pursuant to s. 111(3) of the Ontario Act; 7:55.
- *Van-Air Holdings Ltd. dba Radisson Blu Vancouver Airport Hotel and Marina*, 2023 BCLRB 130, 2023 CarswellBC 2447, on whether picketing on a struck employer's property and inside its premises was contrary to s.65(3) of the *Code* because of that section's reference to picketing "at or near" a site or whether the real substance of the dispute concerning the picketing was one of trespass which was within the exclusive jurisdiction of the courts to decide pursuant to s. 66; 11:18.

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