

## Publisher's Note

An Update has Arrived in Your Library for:

<b>Please circulate this notice to anyone in your office who may be interested in this publication.</b> <i>Distribution List</i>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

### **COLLECTIVE BARGAINING AND AGREEMENT**

**David J. Corry**  
**Release No. 1, July 2022**

### **Publisher's Special Release Note 2021**

The pages in this work were reissued in December 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the December 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

---

**THOMSON REUTERS CANADA®**

**Customer Support**

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

Fax 1-416-298-5082 (Toronto)

Fax 1-877-750-9041 (Toll Free Canada Only)

E-mail [CustomerSupport.LegalTaxCanada@TR.com](mailto:CustomerSupport.LegalTaxCanada@TR.com)

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

*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.

### **What's New in this Update:**

This release includes the addition of a new memo and the updating of a memo in the Issues in Focus appendix, and updates to the Words and Phrases and Selected Legal Literature appendices.

### **Highlights:**

**ISSUES IN FOCUS—“Is collective bargaining a protected activity falling within the scope of freedom of association pursuant to s. 2(d) of the *Canadian Charter of Rights and Freedoms*?”**—This memo discusses the extent to which collective bargaining is protected under the *Charter* and includes a discussion of the Supreme Court of Canada's decisions in *Health Services & Support-Facilities Subsector Bargaining Assn. v. British Columbia*, *Royal Canadian Mounted Police v. Canada (Attorney General)*, *Fraser v. Ontario (Attorney General)*, *Dunmore v. Ontario (Attorney General)*, *Mounted Police Assn. of Ontario/Assoc. de la Police Montée de l'Ontario v. Canada (Attorney General)*, and *SFL v. Saskatchewan*.

**ISSUES IN FOCUS —“When will an arbitrator award damages for mental distress in a grievance arbitration?”**—This release includes an update to the research into the above issue relevant to the Alberta, British Columbia, Ontario and federal jurisdictions.

**APPENDIX WP—WORDS AND PHRASES**—With this release, the Words and Phrases appendix has been updated to add new entries for existing terms, and to add a large number of new words and phrases relevant to collective bargaining, the administration and interpretation of collective agreements, labour relations, and workplace-related issues addressed under collective agreements and via grievance procedures. New words and phrases added to the text and considered in recent decisions include: *contravention* (FCA), *at any*

*time* (BCSC), *construction* (ALRB), *continuous hours and continuous service* (ON ARB), *disciplinary suspension* (AB ARB), *employed in a safety sensitive position* (ON ARB), *foresee* (FPSLRB), *hours earned* (ON ARB), *is* (ON ARB), *or* (CAN ARB), *permit* (OLRB), *pre-test* (SLRB), *primary* (SLRB), *proxy method* (ONCA), *recklessness* (FCA), *scale* (AB ARB), *seriously disrupted* (SK ARB), *wages* (ALRB), *willing* (FPSLRB), and *working days' notice* (ON ARB).

**APPENDIX SLL—SELECTED LEGAL LITERATURE**—This release includes a re-organized and expanded collection of selected legal literature relevant to issues addressed in the text. The re-organized appendix clusters the resources under subject headings to help readers find resources relevant to specific issues. Examples of subject headings in the new Appendix include: Absenteeism, Back to Work Legislation, Discrimination (Family Status), Duty to Accommodate, Duty to Bargain in Good Faith, COVID-19, Education Sector, Harassment, Just Cause, and Legislation.

## **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