Publisher's Note

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LABOUR RELATIONS BOARD REMEDIES IN CANADA, 2nd ed.

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What's New in this Update:

This release includes updates to Chapters 1 (Procedure), 5 (Rectification), 12 (Certification and Termination of Bargaining Rights) and 23 (Interim Relief), along with some updates to Appendix IF—Issues in Focus.

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Highlights:

- **Chapter 1—Procedure—VI. Specific Procedures—§ 1:23. Settlement of a First Collective Agreement—**The British Columbia board has explained that it may be appropriate to impose a first collective agreement as a remedy where one party's conduct has contributed to a breakdown in negotiations by undermining the parties' ability to reach a collective agreement voluntarily, or where a strike or lockout would be ineffective. Where the failure to negotiate a first agreement follows remedial certification, the employer's conduct that resulted in the remedial certification will be a relevant factor in determining whether to impose a first collective agreement (see *Amazon Canada Fulfillment Services, ULC*, 2026 BCLRB 241 (B.C. L.R.B.)).
- **Chapter 12—Certification and Termination of Bargaining Rights—III. Denial or Termination of Bargaining Rights—§ 12:12. Violations by an Employer—**In one instance, the B.C. Board found that an employer had signed a voluntary recognition agreement with one union in order to thwart a campaign commenced by another union. In response, the BC Board voided the voluntary recognition agreement and held that the first union could not rely on membership evidence which was obtained as a result of the impugned voluntary recognition agreement (see *Le Soleil Hospitality Inc.*, 2025 BCLRB 158 (B.C. L.R.B.) (CanLII)).
- **Appendix IF—Issues in Focus—**The following Issues in Focus legal memos were updated in this release:
  - § IF:4—In a unionized work environment, will an employer's failure to provide union representation during the disciplinary process render the discipline at issue void?
  - § IF:5—Can an arbitration board acquire remedial jurisdiction over prior collective agreements?
  - § IF:7—In cases involving the duty of fair representation by a union, when should an employee obtain independent legal counsel?
  - § IF:14—How does Canada's *Personal Information Protection and Electronic Documents Act* affect the collection, use, and exchange of employee information between trade unions and employers, and within trade unions?