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# The new Federal Labour Relations Act

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# THE NEW FEDERAL LABOUR RELATIONS ACT AND P. C. 1003

DENYS DION

The Order in Council P. C. 1003 of February 17, 1944 concerning « Wartime Labour Relations Regulations » suspended the Industrial Disputes Investigation Act commonly known under the name of the Lemieux Act. The present law is intended to replace them both. It was tabled in the House June 17, 1947 by the Federal Minister of Labour under the title « Act on Industrial Relations and Investigations pertaining to Labour Disputes. » After a long and exhaustive study by the permanent Committee of Industrial Relations and by the two Houses it has only just been voted on the third reading June 17, 1948.

But what improvements does this law bring us? Many, the most important of which we would like to emphasize here. We would like to say at once, that contrary to P. C. 1003, which was a regulation of the Privy Council destined to meet the difficult war period, the new regulation is an Act of Parliament. That is to say it has been debated by the two Houses as well as having passed the test of the Labour Relations Board before being signed by the Governor-in-Council.

In the law itself we must, first of all, note the interpretation of the word « employee » which has undergone a modification. P. C. 1003, as a matter of fact, does not consider as employee « a person employed in a confidential capacity or having authority to employ or discharge employees ». Whereas the present law does not consider as employee « a manager or superintendent or a person who, in the opinion of the Council, exercises the functions of direction or is employed confidentially in matters relating to labour relations. » We see at once that in the first part of the exception a quite broad meaning is given to the word « employee » while in the second part the sense is restricted. There is a second exception which the new law sets forth on this subject of the word « employee » where are excluded, by name, certain professional men such as lawyers, doctors, engineers etc. Special provincial statures deal with these.

But one of the principal differences exists, we think, on the subject of certification. Whereas in P. C. 1003 it was the representatives of the unions taken individually who were chosen as negotiating agents, according to the new law certification will be given only to one single union. More, now the union that wants to be certified must count as members in good-standing the majority of the employees it wishes to represent whereas before they were satisfied with an authorisation written by the employees in favour of the union. More than that, the Board, before according certification, has the power to judge whether or not a trade union is influenced or dominated in any manner whatsoever by the employer. The Board can then refuse the certification, and all collective agreements signed by such a union are nullified from the point of view of the new law. The present law also gives the Board the right to revoke the certification of a union if it judges it necessary The old law contented itself with providing for, following certain conditions, the replacement of the negotiating representatives.

It is prohibited now to take a strike vote among the employees before having exhausted the processes of conciliation.

During the course of the conciliation proceedings the employer cannot, without the consent of his employees, alter the wage rate or the conditions of labour.

Finally, to complete an important new disposition we must mention that in the law suits for infractions falling under the jurisdiction of the present law, an employers' organization or a trade union is considered as having legal status.

These are, in our judgment, the most important differences which exist between the two laws. As we can see, marked and characteristic changes are produced in our federal legislation. They signal the profound improvement which has been accomplished to date and continues to be accomplished in this wide and difficult field of industrial relations.