

[Français](#)**Crown Employees Collective Bargaining Act, 1993**

S.O. 1993, CHAPTER 38

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Amended by: 1995, c. 1, ss. 11-70; 2001, c. 7, ss. 16-18; 2001, c. 13, s. 13; 2002, c. 18, Sched. J, s. 2; 2006, c. 19, Sched. D, s. 6; 2006, c. 21, Sched. F, s. 136 (1); 2006, c. 35, Sched. C, s. 23; 2006, c. 35, Sched. D, ss. 1-3.

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PART I

INTERPRETATION AND APPLICATION

Definitions

1. (1) In this Act,

“Crown employee” means a Crown employee as defined in the *Public Service Act*, 1995, c. 1, s. 12 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “Crown employee” is repealed by the Statutes of Ontario, 2006, chapter 35, Schedule C, subsection 23 (1) and the following substituted:

“Crown employee” means,

(a) a public servant employed under Part III of the *Public Service of Ontario Act, 2006*, and

(b) a person employed by an agency of the Crown prescribed by the regulations under this Act.

See: 2006, c. 35, Sched. C, ss. 23 (1), 137 (1).

“Crown”

(1.1) References to the Crown in this Act shall be deemed to include a reference to the agencies of the Crown to which the Act applies. 1995, c. 1, s. 12 (2).

Definitions in *Labour Relations Act, 1995*

(2) Definitions in subsection 1 (1) of the *Labour Relations Act, 1995* apply to terms used in this Act. 1993, c. 38, s. 1 (2); 1995, c. 1, s. 12 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 1 is amended by the Statutes of Ontario, 2006, chapter 35, Schedule C, subsection 23 (2) by adding the following subsection:

Regulations

(3) The Lieutenant Governor in Council may make regulations prescribing agencies of the Crown for the purposes of clause (b) of the definition of “Crown employee” in subsection (1). 2006, c. 35, Sched. C, s. 23 (2).

See: 2006, c. 35, Sched. C, ss. 23 (2), 137 (1).

Application of Act

1.1 (1) This Act applies with respect to,

- (a) Crown employees and their bargaining agents;
- (b) the Crown and those agencies of the Crown that are designated under clause 29.1 (1) (a) of the *Public Service Act*; and
- (c) agencies of the Crown that are not designated under clause 29.1 (1) (a) of the *Public Service Act* that employ Crown employees. 1995, c. 1, s. 13.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is repealed by the Statutes of Ontario, 2006, chapter 35, Schedule C, subsection 23 (3) and the following substituted:

Application of Act

(1) This Act applies with respect to the Crown, Crown employees and the bargaining agents of Crown employees. 2006, c. 35, Sched. C, s. 23 (3).

See: 2006, c. 35, Sched. C, ss. 23 (3), 137 (1).

Non-application

(2) This Act does not apply with respect to,

- (a) individuals who are not Crown employees;
- (b) agencies of the Crown that are not designated under clause 29.1 (1) (a) of the *Public Service Act* that employ only individuals who are not Crown employees. 1995, c. 1, s. 13.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is repealed by the Statutes of Ontario, 2006, chapter 35, Schedule C, subsection 23 (3). See: 2006, c. 35, Sched. C, ss. 23 (3), 137 (1).

Same

(3) This Act does not apply with respect to the following:

1. Members of the Ontario Provincial Police and public servants who either are

instructors at the Ontario Police College or who are under the supervision of the Commissioner of the Ontario Provincial Police or of the Chief Firearms Officer for Ontario and who are represented by the Ontario Provincial Police Association for purposes of collective bargaining.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 1 is repealed by the Statutes of Ontario, 2006, chapter 35, Schedule C, subsection 23 (4) and the following substituted:

1. Persons to whom the *Ontario Provincial Police Collective Bargaining Act, 2006* applies.

See: 2006, c. 35, Sched. C, ss. 23 (4), 137 (1).

2. Employees of a college of applied arts and technology.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 is repealed by the Statutes of Ontario, 2006, chapter 35, Schedule C, subsection 23 (4). See: 2006, c. 35, Sched. C, ss. 23 (4), 137 (1).

3. Architects employed in their professional capacity.
4. Dentists employed in their professional capacity.
5. Lawyers employed in their professional capacity.
6. Physicians employed in their professional capacity.
7. Provincial judges.
8. Persons employed as a labour mediator or labour conciliator.
9. Employees exercising managerial functions or employed in a confidential capacity in relation to labour relations.
10. Persons employed in a minister's office in a position confidential to a minister of the Crown.
11. Persons employed in the Office of the Premier or in Cabinet Office.
12. Persons who provide advice to Cabinet, a board or committee composed of ministers of the Crown, a minister or a deputy minister about employment-related legislation that directly affects the terms and conditions of employment of employees in the public sector as it is defined in subsection 1 (1) of the *Pay Equity Act*.
13. Persons who provide advice to Cabinet, a board or committee composed of ministers of the Crown, the Minister of Finance, the Chair of Management Board of Cabinet, a deputy minister in the Ministry of Finance or the Secretary of the Management Board of Cabinet on any matter within the powers or duties of Treasury Board under sections 6, 7, 8 or 9 of the *Treasury Board Act, 1991*.
14. Persons employed in the Ontario Financing Authority or in the Ministry of Finance who spend a significant portion of their time at work in borrowing or investing money for the Province or in managing the assets and liabilities of the Consolidated Revenue Fund, including persons employed in the Authority or the Ministry to provide technical, specialized or clerical services necessary to those

activities.

15. Other persons who have duties or responsibilities that, in the opinion of the Ontario Labour Relations Board, constitute a conflict of interest with their being members of a bargaining unit. 1995, c. 1, s. 13; 2001, c. 7, s. 16.

PART II

APPLICATION OF LABOUR RELATIONS ACT, 1995

Incorporation of *Labour Relations Act, 1995* provisions

2. (1) Subject to subsection (2), the *Labour Relations Act, 1995* shall be deemed to form part of this Act. 1995, c. 1, s. 14.

Modifications

(2) This Part sets out modifications to the provisions of the *Labour Relations Act, 1995* that apply in the circumstances of this Act. 1995, c. 1, s. 14.

s. 1 (Interpretation)

3. (1) Subsections 1 (3), (4) and (5) of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 15 (2).

Status of employees

(2) A decision made under subsection 1 (4) of the *Labour Relations Act, 1995* shall not, directly or indirectly, treat an individual as a Crown employee unless he or she is a Crown employee under this Act. 2006, c. 35, Sched. D, s. 1.

s. 3 (Non-application)

3.1 Section 3 of the *Labour Relations Act, 1995* does not form part of this Act. 1995, c. 1, s. 16.

s. 4 (Certain Crown agencies)

3.2 Section 4 of the *Labour Relations Act, 1995* does not form part of this Act. 1995, c. 1, s. 16.

s. 40 (Voluntary arbitration)

4. (1) The operation of section 40 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 17 (1).

Appointment of a single arbitrator

(2) If the parties have agreed to refer matters to a single arbitrator, they shall appoint an arbitrator within seven days after they agreed to refer the matters for arbitration. 1993, c. 38, s. 4 (2).

Appointment of a board of arbitration

(3) If the parties have agreed to refer matters to a board of arbitration,

(a) each party shall, within seven days after the parties agreed to refer the matters for arbitration, appoint a member of the board and inform the other party of the appointee; and

(b) the members appointed under clause (a) shall, within five days after the second of them is appointed, appoint a third member who shall be the chair of the board. 1993, c. 38, s. 4 (3).

If appointments not made

(4) If an appointment is not made as required under subsection (2) or (3), the Minister may make the appointment and the Minister must do so on the request of a party. 1993, c. 38, s. 4 (4).

Procedural and other provisions applicable

(5) Subsections 6 (8) to (14), (17) and (18) of the *Hospital Labour Disputes Arbitration Act* apply, with necessary modifications, to arbitrators and boards of arbitration. 1993, c. 38, s. 4 (5).

Procedure

(6) The arbitrator or board of arbitration shall determine their own procedure but shall give full opportunity to the parties to present their evidence and make their submissions and section 117 of the *Labour Relations Act, 1995* applies to the arbitrator or board of arbitration and their decision and proceedings as if they were the Board. 1993, c. 38, s. 4 (6); 1995, c. 1, s. 17 (2).

Cost of arbitrators

(7) The remuneration and expenses of the arbitrator or the members of the board of arbitration shall be paid as follows:

1. If a single arbitrator is appointed, each party shall pay one-half of the remuneration and expenses of the arbitrator.

2. If a board of arbitration is appointed, each party shall pay the remuneration and expenses of the member appointed by or on behalf of the party and one-half of the remuneration and expenses of the chair. 1993, c. 38, s. 4 (7).

Reference back to arbitrator or board

(8) The arbitrator or board of arbitration may, upon application by a party within ten days after the release of a decision, amend, alter or vary the decision where it is shown to the satisfaction of the arbitrator or board that they failed to deal with any matter in dispute referred to them or that an error is apparent on the face of the decision. 1993, c. 38, s. 4 (8).

Representations on reference back

(9) Before amending, altering or varying a decision on an application under subsection (8), the arbitrator or board shall give the parties an opportunity to make representations on the application. 1993, c. 38, s. 4 (9).

Time limit on reference back

(10) A decision may be amended, altered or varied on an application under subsection (8) only within twenty days after the application is made. 1993, c. 38, s. 4 (10).

No decision to require legislation

(11) In making a decision, the arbitrator or board of arbitration shall not include any term that would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating money for its implementation. 1993, c. 38, s. 4 (11).

Scope of arbitration

(12) The decision of the arbitrator or board of arbitration shall not include any matters upon which the parties have agreed if the arbitrator or board is notified in writing of the agreement of the parties on those matters. 1993, c. 38, s. 4 (12).

Scope of arbitration, agreement by parties

(13) The application of subsection (12) may be varied by the agreement of the parties. 1993, c. 38, s. 4 (13).

Collective agreement prepared by arbitrator, etc.

(14) If the parties have not agreed upon the terms of a collective agreement within thirty days after the release of the decision of the arbitrator or board of arbitration, the arbitrator or board shall prepare a document giving effect to the decision of the arbitrator or board and any agreement between the parties about which the arbitrator or board has been notified. 1993, c. 38, s. 4 (14).

Same

(15) The arbitrator or board of arbitration shall give copies of the document prepared under subsection (14) to the parties and upon doing so the document becomes a collective agreement under the *Labour Relations Act, 1995* effective on the day set out in the document. 1993, c. 38, s. 4 (15); 1995, c. 1, s. 17 (3).

s. 43 (First contract arbitration)

5. (1) The operation of section 43 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1993, c. 38, s. 5 (1); 1995, c. 1, s. 18 (1).

Applicable provisions

(2) The following provisions apply, with necessary modifications, with respect to arbitrations under section 41 of the *Labour Relations Act*:

1. Subsections 4 (8) (Reference back to arbitrator or board), (9) (Representations on reference back) and (10) (Time limit on reference back).
2. Subsection 4 (11) (No decision to require legislation).
3. Subsections 4 (12) (Scope of arbitration) and (13) (Scope of arbitration, agreement by parties).
4. Subsections 4 (14) and (15) (Collective agreement prepared by arbitrator, etc.). 1993, c. 38, s. 5 (2).

Minister's order: commencement of hearing

(3) If the hearing of the arbitration does not commence within the time period set out in subsection 43 (11) of the *Labour Relations Act, 1995*, the Minister may make such orders as he or she considers necessary to ensure the arbitration is heard without delay. 1993, c. 38, s. 5 (3); 1995, c. 1, s. 18 (2).

Minister's order: completion of arbitration

(4) If the decision of the board of arbitration is not released within the time period set out in subsection 43 (12) of the *Labour Relations Act, 1995*, the Minister may,

- (a) make such orders as he or she considers necessary to ensure that the decision will be given without undue delay; and

(b) make such orders as he or she considers appropriate respecting the remuneration and expenses of the members of the board of arbitration. 1993, c. 38, s. 5 (4); 1995, c. 1, s. 18 (3).

Restriction

(5) An arbitrator or board of arbitration shall not include or require the parties to include in a collective agreement a term that requires the employer to guarantee an offer of a job for employees whose positions have been or may be eliminated or that otherwise compels the employer to continue to employ them. 1995, c. 1, s. 18 (4).

Same

(6) Subsection (5) does not apply when the employer is an agency of the Crown designated under clause 29.1 (1) (a) of the *Public Service Act*. 1995, c. 1, s. 18 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6) is repealed by the Statutes of Ontario, 2006, chapter 35, Schedule C, subsection 23 (5) and the following substituted:

Same

(6) Subsection (5) does not apply when the employer is an agency of the Crown referred to in clause (b) of the definition of “Crown employee” in subsection 1 (1). 2006, c. 35, Sched. C, s. 23 (5).

See: 2006, c. 35, Sched. C, ss. 23 (5), 137 (1).

6. Repealed: 1995, c. 1, s. 19.

s. 48 (Arbitration provision)

7. (1) The operation of section 48 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 20 (1).

Certain subss. not to apply

(2) Subsections 48 (1) to (6) of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 20 (2).

Deemed provision relating to arbitration

(3) Every collective agreement relating to Crown employees shall be deemed to provide for the final and binding settlement by arbitration by the Grievance Settlement Board, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable. 1993, c. 38, s. 7 (3).

Restrictions on substituted penalties

(4) In substituting a penalty under subsection 48 (17) of the *Labour Relations Act, 1995*, the Grievance Settlement Board shall not provide for the employment of an employee in a position that involves direct responsibility for or that provides an opportunity for contact with residents in a facility or with a client if the Board has found that the employee,

(a) has applied force to a resident in a facility or a client, except the minimum force necessary for self-defence or the defence of another person or necessary to restrain the resident or client; or

(b) has sexually molested a resident or a client. 2001, c. 7, s. 17 (1).

Definitions

(5) In subsection (4),

“client” means a person to whom services are provided in a community resource centre that is designated under section 15 of the *Ministry of Correctional Services Act*; (“client”)

“facility” means,

(a) premises where services are provided by the Minister under the *Child and Family Services Act*,

(b) a facility under the *Developmental Services Act*,

(c) The Ontario School for the Deaf, The Ontario School for the Blind or a school for the deaf or a school for the blind continued or established under section 13 of the *Education Act*,

(d) a psychiatric facility under the *Mental Health Act*,

(e) a correctional institution under the *Ministry of Correctional Services Act*,

(f) a place of temporary detention under the *Youth Criminal Justice Act* (Canada),

(g) a youth custody facility under the *Youth Criminal Justice Act* (Canada), or

(h) any other workplace where the employee works in carrying out the duties of his or her position, including but not limited to those that he or she is required to carry out at any of the places mentioned in clauses (a) to (g); (“établissement”)

“resident” means a person who is an inmate, patient, pupil or resident in or is detained or cared for in a facility. (“résident”) 1993, c. 38, s. 7 (5); 2001, c. 7, s. 17 (2, 3); 2001, c. 13, s. 13; 2006, c. 19, Sched. D, s. 6.

Substitute penalty

(6) In substituting a penalty under subsection 48 (17) of the *Labour Relations Act, 1995* in circumstances in which it is restricted by subsection (4), the Grievance Settlement Board may provide for the employment of the employee in another substantially equivalent position. 1993, c. 38, s. 7 (6); 1995, c. 1, s. 20 (4).

s. 49 (referral of grievance to single arbitrator)

8. Section 49 of the *Labour Relations Act, 1995* does not form a part of this Act. 1995, c. 1, s. 21.

s. 50 (Consensual mediation-arbitration)

9. (1) The operation of section 50 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 22 (1).

Appointment of mediator-arbitrator

(2) If there is an agreement to refer one or more grievances to a mediator-arbitrator under subsection 50 (1) of the *Labour Relations Act, 1995*, the mediator-arbitrator shall be a vice-chair of the Grievance Settlement Board appointed by the chair of the Board. 1993, c. 38, s. 9 (2); 1995, c. 1, s. 22 (2).

Minister to appoint

[\(3\)](#) Subsection 50 (3) of the *Labour Relations Act, 1995* does not form part of this Act. 1995, c. 1, s. 22 (3).

References to the Minister

[\(4\)](#) References to the Minister in subsections 50 (4) and (5) of the *Labour Relations Act, 1995* shall be deemed to be references to the chair of the Grievance Settlement Board. 1993, c. 38, s. 9 (4); 1995, c. 1, s. 22 (4).

s. 69 (Successor rights)

[10. \(1\)](#) The operation of section 69 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 2006, c. 35, Sched. D, s. 2.

Application

[\(2\)](#) Section 69 of the *Labour Relations Act, 1995* applies with respect to the transfer of an undertaking from one employer to another where the employees of one or both of those employers are Crown employees under this Act. 2006, c. 35, Sched. D, s. 2.

References modified

[\(3\)](#) Any reference to “sale” or “sells” in section 69 of the *Labour Relations Act, 1995* shall be deemed to be a reference to a transfer and any reference to a “business” in that section shall be deemed to be a reference to an undertaking. 2006, c. 35, Sched. D, s. 2.

Definitions

[\(4\)](#) For the purposes of subsections (2) and (3),

“transfer” means a conveyance, disposition or sale and the verb has a corresponding meaning; (“transfert”, “transférer”)

“undertaking” means all or part of a business, enterprise, institution, program, project or work. (“activité”) 2006, c. 35, Sched. D, s. 2.

[11.](#) Repealed: 1995, c. 1, s. 24.

[12.](#) Repealed: 1995, c. 1, s. 24.

Subs. 79 (2) (Limitation on strike or lock-out)

[13.](#) It is an additional requirement to those in subsection 79 (2) of the *Labour Relations Act, 1995* that the employer and the trade union must have an essential services agreement under Part IV before an employee may strike or the employer may lock out an employee. 1993, c. 38, s. 13; 1995, c. 1, s. 25.

[14.](#) Repealed: 1995, c. 1, s. 26.

s. 86 (Alteration of working conditions)

[15. \(1\)](#) The operation of section 86 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 27 (1).

Essential services agreement required

[\(2\)](#) It is an additional condition to those in clauses 86 (1) (a) and (2) (a) of the *Labour Relations Act, 1995* that there be an essential services agreement between the employer and the

trade union before any alteration is allowed under those clauses. 1993, c. 38, s. 15 (2); 1995, c. 1, s. 27 (2).

Subs. 96 (4) (Orders by Board)

16. (1) The operation of subsection 96 (4) of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 28.

No order to require legislation

(2) No order of the Board shall include any term that would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating money for its implementation. 1993, c. 38, s. 16 (2).

s. 103 (Notice of claim for damages, etc.)

17. (1) The operation of section 103 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 29 (1).

Notice not to contain appointee

(2) A notice under subsection 103 (1) of the *Labour Relations Act, 1995* shall not contain the name of an appointee to an arbitration board. 1993, c. 38, s. 17 (2); 1995, c. 1, s. 29 (2).

Arbitration by the Grievance Settlement Board

(3) A claim for damages under subsection 103 (1) of the *Labour Relations Act, 1995* shall be arbitrated by the Grievance Settlement Board. 1993, c. 38, s. 17 (3); 1995, c. 1, s. 29 (3).

Certain subss. not to apply

(4) Subsections 103 (2), (3), (4), (6) and (7) of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 29 (4).

s. 110 (Ontario Labour Relations Board)

18. (1) The operation of section 110 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 30 (1).

Application with respect to essential services

(2) In the case of a matter respecting Part IV, the chair of the Board may sit alone or may authorize a vice-chair to sit alone under subsection 110 (14) of the *Labour Relations Act, 1995* if,

- (a) the chair considers it advisable to do so; or
- (b) the parties consent. 1993, c. 38, s. 18 (2); 1995, c. 1, s. 30 (2).

Same

(3) The Board may make rules under subsection 110 (18) of the *Labour Relations Act, 1995* to expedite proceedings to which Part IV applies. 1993, c. 38, s. 18 (3); 1995, c. 1, s. 30 (3).

s. 114 (Jurisdiction)

19. (1) The operation of section 114 of the *Labour Relations Act, 1995* is subject to the modifications set out in this section. 1995, c. 1, s. 31 (1).

Limitation

[\(2\)](#) Despite subsection 114 (2) of the *Labour Relations Act, 1995*, no person shall be found to be a Crown employee unless he or she is a Crown employee under this Act. 1993, c. 38, s. 19 (2); 1995, c. 1, s. 31 (2); 2006, c. 35, Sched. D, s. 3.

s. 125 (Regulations)

[20.](#) Regulations made under section 125 of the *Labour Relations Act, 1995* do not apply with respect to the Grievance Settlement Board. 1993, c. 38, s. 20; 1995, c. 1, s. 32.

ss. 126 to 168 (Construction industry provisions)

[21.](#) Sections 126 to 168 of the *Labour Relations Act, 1995* do not form part of this Act. 1995, c. 1, s. 33.

PART III COLLECTIVE BARGAINING

Definition: “designated bargaining unit”

[22.](#) In this Part,

“designated bargaining unit” means a bargaining unit referred to in subsection 23 (1) and includes a successor of the bargaining unit. 1993, c. 38, s. 22; 1995, c. 1, s. 34.

Bargaining units continued

[23. \(1\)](#) The seven bargaining units established under this section, as it read immediately before section 35 of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force, are continued. 1995, c. 1, s. 35.

Restriction

[\(2\)](#) The description of a bargaining unit shall not be amended until after a collective agreement is made following December 13, 1993. 1995, c. 1, s. 35.

Bargaining agent

[24. \(1\)](#) The Ontario Public Service Employees Union continues as the bargaining agent representing the employees in the six bargaining units established by order of the Lieutenant Governor in Council under subsection 23 (1), as it read immediately before section 35 of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force. 1995, c. 1, s. 36 (1).

Effect of continuation

[\(2\)](#) The Ontario Public Service Employees Union represents the employees in those bargaining units until it ceases, under this Act or the *Labour Relations Act* as it read before subsection 1 (2) of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force, to represent them. 1995, c. 1, s. 36 (1).

Restriction

[\(3\)](#) The Ontario Public Service Employees Union continues to represent the employees in those bargaining units until a collective agreement is made following the coming into force of this section. 1993, c. 38, s. 24 (3).

Non-application

(4) Section 66 of the *Labour Relations Act, 1995* does not apply with respect to the designation of the Union or the continuation of the designation. 1995, c. 1, s. 36 (2).

Central agreement

25. (1) One collective agreement shall govern the following terms and conditions of employment of the employees in the designated bargaining units:

1. Dispute resolution procedures.
2. Prohibitions against discrimination.
3. Employment security and mobility.
4. Pensions.
5. Long term disability insurance plans.
6. Benefits to which all employees in the designated bargaining units are entitled.
7. With the consent of the parties, wages.
8. Such other matters as the parties may agree upon. 1993, c. 38, s. 25 (1).

Same

(2) No other collective agreement shall govern the terms and conditions of employment referred to in subsection (1). 1993, c. 38, s. 25 (2).

Disagreement

(3) If the parties are unable to agree about whether a benefit is referred to in paragraph 6 of subsection (1), the benefit shall be the subject of negotiations for the collective agreement referred to in subsection (1). 1993, c. 38, s. 25 (3).

Deemed bargaining unit

(4) The designated bargaining units shall be deemed to be one bargaining unit for the purposes of a collective agreement referred to in subsection (1). 1993, c. 38, s. 25 (4).

Same

(5) The description of the deemed bargaining unit shall not be altered. 1995, c. 1, s. 37 (1).

Same

(6) The provisions of the *Labour Relations Act, 1995* concerning the establishment and termination of bargaining rights do not apply with respect to the deemed bargaining unit. 1993, c. 38, s. 25 (6); 1995, c. 1, s. 37 (2).

Council of trade unions

(7) The bargaining agents representing the employees in each of the designated bargaining units shall be deemed to be a certified council of trade unions representing those employees for the purposes of a collective agreement referred to in subsection (1). 1993, c. 38, s. 25 (7).

Separate agreements

26. The employer and the bargaining agent representing the employees in a designated bargaining unit may enter into a collective agreement respecting matters not referred to in

subsection 25 (1). 1993, c. 38, s. 26.

Term of agreements

27. (1) Every collective agreement respecting employees in the designated bargaining units shall be effective on the same date and for a term of the same duration. 1993, c. 38, s. 27 (1).

Same

(2) Unless the parties agree otherwise, a collective agreement shall provide that it is effective for a term of at least two years. 1993, c. 38, s. 27 (2).

Lawful strike

28. (1) The following conditions must exist for a strike by employees in a designated bargaining unit to be lawful:

1. The strike must otherwise be lawful.
2. A strike by the employees in every other designated bargaining unit that is represented by a bargaining agent must otherwise be lawful.
3. Employees in each of those designated bargaining units must begin to strike simultaneously. 1993, c. 38, s. 28 (1); 1995, c. 1, s. 38 (1).

Exception

(2) Paragraphs 2 and 3 of subsection (1) do not include employees in a designated bargaining unit for which a collective agreement under section 25 or 26, as the case may be, has been settled. 1993, c. 38, s. 28 (2).

Lawful lock-out

(3) The following conditions must exist for a lock-out by an employer of employees in a designated bargaining unit to be lawful:

1. The lock-out must otherwise be lawful.
2. A lock-out of employees in every other designated bargaining unit that is represented by a bargaining agent must otherwise be lawful.
3. The lock-out of employees in each of those designated bargaining units must begin simultaneously. 1993, c. 38, s. 28 (3); 1995, c. 1, s. 38 (1).

Exception

(4) Paragraphs 2 and 3 of subsection (3) do not include employees in a designated bargaining unit for which a collective agreement under section 25 or 26, as the case may be, has been settled. 1993, c. 38, s. 28 (4).

Working conditions may not be altered

(5) For the purposes of subsection 86 (1) of the *Labour Relations Act, 1995*, clause 86 (1) (a) shall be deemed to refer to the release of a report or a notice, as the case may be, with respect to every designated bargaining unit that is represented by a bargaining agent. 1993, c. 38, s. 28 (5); 1995, c. 1, s. 38 (2).

First contract arbitration

29. Section 43 of the *Labour Relations Act, 1995* does not apply with respect to the

six bargaining units referred to in subsection 23 (2) or the deemed bargaining unit under section 25. 1993, c. 38, s. 29; 1995, c. 1, s. 39.

PART IV ESSENTIAL SERVICES

Definitions

30. In this Part,

“essential services” means services that are necessary to enable the employer to prevent,

- (a) danger to life, health or safety,
 - (b) the destruction or serious deterioration of machinery, equipment or premises,
 - (c) serious environmental damage, or
 - (d) disruption of the administration of the courts or of legislative drafting;
- (“services essentiels”)

“essential services agreement” means an agreement between the employer and trade union that applies during a strike or lock-out and that has,

- (a) an essential services part that provides for the use, during a strike or lock-out, of employees in the bargaining unit to provide essential services, and
- (b) an emergency services part that provides for the use, during a strike or lock-out, of employees in the bargaining unit, in addition to those referred to in clause (a), in emergencies. (“entente sur les services essentiels”) 1993, c. 38, s. 30.

Essential services agreements required

31. (1) An employer of Crown employees and a trade union representing Crown employees who have or are negotiating a collective agreement shall make an essential services agreement. 1993, c. 38, s. 31 (1).

Duty to bargain

(2) The employer and the trade union shall bargain in good faith and make every reasonable effort to make an essential services agreement. 1993, c. 38, s. 31 (2).

Essential services part

32. (1) The essential services part of an essential services agreement must include provisions that,

- (a) identify the essential services;
- (b) set out how many employees in the bargaining unit from what employee positions are necessary to enable the employer to provide the essential services; and
- (c) identify the employees who the employer and trade union have agreed will be required during a strike or lock-out to work to the extent necessary to enable the employer to provide the essential services. 1993, c. 38, s. 32 (1).

Same

(2) For the purposes of clause (1) (b), the number of employees in the bargaining unit

that are necessary to provide the essential services shall be determined without regard to the availability of other persons to provide essential services. 1995, c. 1, s. 40.

When parties must begin negotiations

33. (1) An employer and trade union who do not have an essential services agreement shall begin to negotiate one,

- (a) if they have a collective agreement, at least 180 days before the agreement ceases to operate; or
- (b) if a notice under section 16 of the *Labour Relations Act, 1995* has been given, within fifteen days of the giving of that notice. 1993, c. 38, s. 33 (1); 1995, c. 1, s. 41.

Same

(2) An employer and trade union may begin to negotiate at a time later than that required under subsection (1) if they agree to do so. 1993, c. 38, s. 33 (2).

Agenda of negotiation, essential services part

34. In negotiating the essential services part of an essential services agreement, the employer and trade union shall negotiate with respect to the following issues in the following order:

1. What types of services are essential services.
2. What levels of the types of essential services are necessary to prevent,
 - i. danger to life, health or safety,
 - ii. the destruction or serious deterioration of machinery, equipment or premises,
 - iii. serious environmental damage, or
 - iv. disruption of the administration of the courts or of legislative drafting.
3. What employee positions are necessary to enable the employer to provide the types of essential services at the necessary levels.
4. How many employees in the bargaining unit, in employee positions referred to in paragraph 3, are necessary to enable the employer to provide the essential services at the necessary levels.
5. Which employees will be required during a strike or lock-out to work to the extent necessary to enable the employer to provide the essential services. 1993, c. 38, s. 34.

Appointment of conciliation officer

35. (1) At any time after an employer and trade union are required to begin negotiations, the Minister, upon the request of either party, shall appoint a conciliation officer to confer with the parties and endeavour to effect an essential services agreement. 1993, c. 38, s. 35.

Non-disclosure and non-compellability

(2) Subsections 119 (2) and (3) and section 120 of the *Labour Relations Act, 1995* apply with necessary modifications with respect to a conciliation officer appointed under this section. 2002, c. 18, Sched. J, s. 2.

Application to the Board

36. (1) On application by the employer or trade union, the Ontario Labour Relations Board shall determine any matters that the parties have not resolved and in doing so the Board may,

- (a) determine any matters to be included in an essential services agreement between the parties;
- (b) order that terms specified by the Board be deemed to be part of an essential services agreement between the parties;
- (c) order that the parties be deemed to have entered into an essential services agreement; and
- (d) give any other such directions as the Board considers appropriate. 1993, c. 38, s. 36 (1).

Same

(2) The Board may consult with the parties to resolve any matter raised by the application or may inquire into any matter raised by the application, or may do both. 1993, c. 38, s. 36 (2).

Orders after consultation

(3) The Board may make any interim or final order it considers appropriate after consulting with the parties or on an inquiry. 1993, c. 38, s. 36 (3).

Reconsideration

(4) On a further application by the employer or trade union, the Board may modify any determination or direction in view of a change in circumstances. 1993, c. 38, s. 36 (4).

Duration of an essential services agreement

37. (1) An essential services agreement continues until terminated by a party to the agreement. 1993, c. 38, s. 37 (1).

When termination possible

(2) A party may terminate an essential services agreement only if the parties have a collective agreement and there are at least 190 days left in the term of the collective agreement. 1993, c. 38, s. 37 (2).

Method of termination

(3) A party may terminate an essential services agreement by giving the other party written notice. 1993, c. 38, s. 37 (3).

Enforcement of essential services agreement

38. (1) A party to an essential services agreement may apply to the Board to enforce it. 1995, c. 1, s. 42.

Amendment of agreement

- (2) A party to an agreement may apply to the Board to amend it,
- (a) if the agreement does not provide for services that are essential services;
 - (b) if it provides for levels of service that are greater or less than required to provide the essential services; or
 - (c) if it provides for too many or too few employees in the bargaining unit to provide the essential services. 1995, c. 1, s. 42.

Order

(3) On an application under this section, the Board may enforce the agreement or amend it and may make such other orders as it considers appropriate in the circumstances. 1995, c. 1, s. 42.

Same

(4) Subsection 32 (2) applies with necessary modifications when the Board is deciding an application under subsection (2). 1995, c. 1, s. 42.

Burden of proof

39. (1) In an application or complaint relating to this Part, the burden of proof that services are essential services lies upon the party alleging that they are. 1993, c. 38, s. 39 (1).

Same

(2) In an application or complaint relating to this Part, the burden of proof that circumstances constitute or would constitute an emergency lies upon the party alleging it. 1993, c. 38, s. 39 (2).

Use of employees, essential services

40. (1) During a strike or lock-out, the employer is entitled to use, to provide essential services, such employees in the bargaining unit as are necessary as provided in the essential services part of the essential services agreement. 1993, c. 38, s. 40 (1).

Notification of employees

(2) The employer shall notify the employees who, under the essential services part of the essential services agreement, the employer is entitled to use under subsection (1) during a strike or lock-out. 1993, c. 38, s. 40 (2).

Limitation on strike, lock-out rights

(3) Employees who have been notified by the employer or trade union that the employer is entitled to use them under subsection (1) may not strike and may not be locked out. 1993, c. 38, s. 40 (3).

(4) Repealed: 1995, c. 1, s. 43.

Use of employees, emergency services

41. (1) In an emergency during a strike or lock-out, the employer is entitled to use such employees as the emergency services part of the essential services agreement provides for. 1993, c. 38, s. 41 (1).

Limitation on strike rights

(2) Employees who have been notified that the employer is entitled to use them under

subsection (1) and wishes to do so may not strike while the employer is so entitled and so wishes. 1993, c. 38, s. 41 (2).

(3) Repealed: 1995, c. 1, s. 44.

Use of other persons

41.1 (1) An essential services agreement shall not directly or indirectly prevent the employer from using a person to perform any work during a strike or lock-out. 1995, c. 1, s. 45.

Same

(2) A provision in an essential services agreement that conflicts with subsection (1) is void. 1995, c. 1, s. 45.

Application re meaningful bargaining

42. (1) A party to an essential services agreement may apply to the Ontario Labour Relations Board for a declaration that the agreement has prevented meaningful collective bargaining. 1995, c. 1, s. 46.

Restriction

(2) No application may be made until employees in the bargaining unit have been on strike or locked out for at least 10 days. 1995, c. 1, s. 46.

Same

(3) The Board shall consider whether sufficient time has elapsed in the dispute between the parties to permit it to determine whether meaningful collective bargaining has been prevented. 1995, c. 1, s. 46.

Deferred decision

(4) The Board may defer making a decision on the application until such time as it considers appropriate. 1995, c. 1, s. 46.

Factor to be considered

(5) In deciding whether to make the declaration, the Board shall consider only whether meaningful collective bargaining is prevented because of the number of persons identified in the agreement whose services the employer has used to enable the employer to provide the essential services. 1995, c. 1, s. 46.

Order

(6) If the Board makes the declaration, the Board may amend the essential services agreement to change the number of employee positions or to change the number of employees in the bargaining unit that are designated as necessary to enable the employer to provide the essential services. 1995, c. 1, s. 46.

43. Repealed: 1995, c. 1, s. 47.

44. Repealed: 1995, c. 1, s. 47.

45. Repealed: 1995, c. 1, s. 47.

PART V GRIEVANCE SETTLEMENT BOARD

Grievance Settlement Board

46. The Grievance Settlement Board is continued. 1993, c. 38, s. 46.

Composition and administration of Board

47. (1) Subject to the specific requirements in this section, the composition and administration of the Grievance Settlement Board shall be determined by the agreement of the Crown in right of Ontario and the trade unions representing Crown employees or, failing such agreement, by the chair of the Grievance Settlement Board. 1993, c. 38, s. 47 (1).

Composition

(2) The Grievance Settlement Board shall be composed of a chair, one or more vice-chairs and an equal number of members representing the Crown employees that are represented by a trade union and members representing the Crown in right of Ontario. 1993, c. 38, s. 47 (2).

Same

(3) The number of vice-chairs and members shall be determined by the Crown and the trade unions. If the Crown and the trade unions fail to agree, or fail to continue to agree, the chair of the Grievance Settlement Board shall determine the numbers of vice-chairs and members. 1993, c. 38, s. 47 (3).

Appointments to Board

(4) The Lieutenant Governor in Council shall appoint, as the chair, vice-chairs and members, the persons selected in accordance with the following:

1. The person to be appointed as the chair shall be selected by the Crown and the trade unions. If the Crown and the trade unions fail to agree, the Lieutenant Governor in Council shall select the person to be appointed.
2. The persons to be appointed as vice-chairs shall be selected by the Crown and the trade unions. If the Crown and the trade unions fail to agree, the chair of the Grievance Settlement Board shall select the persons to be appointed.
3. The persons to be appointed as members representing the employees shall be selected by the trade unions. If the trade unions fail to agree, the chair of the Grievance Settlement Board shall select the persons to be appointed.
4. The persons to be appointed as members representing the Crown shall be selected by the Lieutenant Governor in Council or by a person to whom the selection has been delegated by the Lieutenant Governor in Council. If the Lieutenant Governor in Council or the delegate does not make the selection, the chair of the Grievance Settlement Board shall select the persons to be appointed. 1993, c. 38, s. 47 (4).

Terms of appointments

(5) Appointments under subsection (4) shall be for terms up to two years. Anyone may be reappointed any number of times. 1993, c. 38, s. 47 (5).

Powers following resignation, etc.

(6) If a member or vice-chair resigns or his or her appointment expires, the chair may authorize the member or vice-chair to complete his or her duties or responsibilities and exercise the powers of a member or vice-chair in connection with any matter before the Grievance

Settlement Board in which the member or vice-chair was participating. 1993, c. 38, s. 47 (6).

Same

(7) If the chair resigns or his or her appointment expires, the new chair may authorize the former chair to complete his or her duties or responsibilities and exercise the powers of the chair in connection with any matter before the Grievance Settlement Board in which the former chair was participating. 1993, c. 38, s. 47 (7).

Remuneration and expenses of appointees

(8) Subject to subsection (9), the remuneration and expenses of the chair, vice-chairs and members shall be in accordance with whatever they agreed to at the time they were selected for appointment. 1993, c. 38, s. 47 (8).

Limits on remuneration and expenses

(9) The Lieutenant Governor in Council may determine limits for the remuneration and expenses that may be agreed to and any agreement made after such a limit comes into force is ineffective to the extent that it provides for remuneration or expenses that exceed the limit. 1993, c. 38, s. 47 (9).

Costs of Board

(10) The costs of the Grievance Settlement Board shall be shared by the Crown and the trade unions in accordance with the following:

1. The remuneration and expenses of the members representing the Crown shall be paid by the Crown.
2. The remuneration and expenses of the members representing the employees shall be paid by the trade unions.
3. The costs of the Grievance Settlement Board, other than the remuneration and expenses of the members representing the Crown or the employees, shall be shared with the Crown paying one-half of the costs and the trade unions paying the other half.
4. If the trade unions fail to agree, or fail to continue to agree, on how to share their share of the costs under paragraph 2 or 3, the costs shall be shared as determined by the chair of the Grievance Settlement Board. In determining how those costs should be shared, the chair shall request and consider the views of the trade unions and determine a method of sharing the costs that is proportionate to the use of the resources of the Grievance Settlement Board by each trade union. 1993, c. 38, s. 47 (10).

Exercise of powers by chair

(11) Before the chair of the Grievance Settlement Board exercises any power under this section following a failure to agree, the chair must request and consider the views of those who failed to agree. 1993, c. 38, s. 47 (11).

Practice and procedure

48. (1) Subject to the specific requirements in this Part and to any requirements in the *Labour Relations Act, 1995*, the Grievance Settlement Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceeding to present their

evidence and to make their submissions. 1993, c. 38, s. 48 (1); 1995, c. 1, s. 48.

Rules

(2) The Grievance Settlement Board may make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as it considers advisable. 1993, c. 38, s. 48 (2).

Rules not regulations

(3) Rules made under this section are not regulations within the meaning of the *Regulations Act*. 1993, c. 38, s. 48 (3).

Note: Effective October 19, 2007 or on an earlier day to be named by proclamation of the Lieutenant Governor, subsection (3) is amended by the Statutes of Ontario, 2006, chapter 21, Schedule F, subsection 136 (1) by striking out “the *Regulations Act*” and substituting “Part III (Regulations) of the *Legislation Act, 2006*”. See: 2006, c. 21, Sched. F, ss. 136 (1), 143 (1).

Criminal conviction or discharge considered conclusive evidence

48.1 (1) If a Crown employee is convicted or discharged of an offence under the *Criminal Code* (Canada) in respect of an act or omission that results in discipline or dismissal and the discipline or dismissal becomes the subject-matter of a grievance before the Grievance Settlement Board, proof of the employee’s conviction or discharge shall, after the time for an appeal has expired or, if an appeal was taken, it was dismissed and no further appeal is available, be taken by the Grievance Settlement Board as conclusive evidence that the employee committed the act or omission. 2001, c. 7, s. 18.

Adjournment pending appeal to be granted

(2) If an adjournment of a grievance is requested pending an appeal of a conviction or a discharge mentioned in subsection (1), the Grievance Settlement Board shall grant the adjournment. 2001, c. 7, s. 18.

Members of the Board who determine matters

49. (1) A matter to be determined by the Grievance Settlement Board shall be determined by a three person panel of the Board, except as provided in subsection (3) or (4) or section 50. 1993, c. 38, s. 49 (1).

Composition of panel

(2) A panel of the Grievance Settlement Board shall consist of the chair or a vice-chair, one member who represents employees and one member who represents the Crown. 1993, c. 38, s. 49 (2).

Single arbitrator

(3) The chair of the Grievance Settlement Board may provide for a matter to be determined by the chair or a vice-chair sitting alone if,

- (a) the chair considers that the possibility of undue delay or other prejudice to a party makes it appropriate to do so; or
- (b) the parties consent. 1993, c. 38, s. 49 (3).

Same

(4) The chair of the Grievance Settlement Board shall provide for a matter to be

determined by the chair or a vice-chair sitting alone following a request under subsection 6 (3). 1993, c. 38, s. 49 (4).

Agreement between the parties

50. (1) An employer and trade union may make an agreement relating to matters that may be determined by the Grievance Settlement Board that provides for,

- (a) certain matters that arise between them to be determined by the chair or a vice-chair sitting alone;
- (b) the selection of the individuals who will determine certain matters;
- (c) time limits within which hearings of certain matters must commence. 1993, c. 38, s. 50 (1).

Same

(1.1) An employer and trade union may make an agreement as to the sequence in which the Grievance Settlement Board shall consider outstanding matters in which the employer and trade union have an interest. 1995, c. 1, s. 49 (1).

Effect of agreement

(2) Upon receiving notice of an agreement from a party, the Grievance Settlement Board shall give effect to it. 1995, c. 1, s. 49 (2).

Same

(3) The Grievance Settlement Board shall cease to give effect to an agreement upon receiving notice from a party that the party no longer wants the agreement to apply. 1993, c. 38, s. 50 (3).

Classification grievances, restriction

51. (1) An order of the Grievance Settlement Board shall not require the creation of a new classification of employees or the alteration of an existing classification. 1993, c. 38, s. 51.

Same

(2) An order of the Grievance Settlement Board shall not require a change to be made in the classification of an employee. 1995, c. 1, s. 50.

PART VI MISCELLANEOUS

GENERAL

Classification issues

52. (1) A provision in an agreement entered into that provides for the determination by an arbitrator, a board of arbitration or another tribunal of any of the following matters is void:

1. A classification system of employees, including creating a new classification system or amending an existing classification system.
2. The classification of an employee, including changing an employee's classification. 1995, c. 1, s. 51.

Same

(2) Subsection (1) applies to agreements entered into before or after the date on which the *Labour Relations and Employment Statute Law Amendment Act, 1995* receives Royal Assent. 1995, c. 1, s. 51.

TRANSITIONAL PROVISIONS

Definitions

53. In sections 54 to 60,

“*Labour Relations Act*” means the *Labour Relations Act* as it read immediately before subsection 1 (2) of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force; (“*Loi sur les relations de travail*”)

“old Act” means the *Crown Employees Collective Bargaining Act*, being Chapter C.50 of the Revised Statutes of Ontario, 1990. (“*ancienne loi*”) 1995, c. 1, s. 52.

Bargaining units

54. (1) A unit of employees that was a bargaining unit under the old Act immediately before the repeal of that Act is an appropriate bargaining unit for the purposes of the *Labour Relations Act* or this Act until the description of the bargaining unit is altered under the *Labour Relations Act* or this Act. 1993, c. 38, s. 54 (1); 1995, c. 1, s. 53 (1).

Changes

(2) Despite this Act and the *Labour Relations Act*, the description of a bargaining unit referred to in subsection (1) cannot be altered until after a collective agreement is made following the coming into force of this section. 1993, c. 38, s. 54 (2); 1995, c. 1, s. 53 (2).

Exception

(3) This section does not apply with respect to a bargaining unit continued by section 23. 1993, c. 38, s. 54 (3); 1995, c. 1, s. 53 (3).

Bargaining agents

55. A bargaining agent that, immediately before the repeal of the old Act, represented employees in a bargaining unit to which section 54 applies continues to represent them until it ceases to do so under this Act. 1995, c. 1, s. 54.

Collective agreements

56. (1) A collective agreement under the old Act that had not expired before the repeal of that Act is a collective agreement under the *Labour Relations Act* and under this Act. 1993, c. 38, s. 56 (1); 1995, c. 1, s. 55 (1).

Labour Relations Act applies

(2) All the provisions of the *Labour Relations Act* that apply to a collective agreement apply to a collective agreement referred to in subsection (1) including provisions that deem collective agreements to contain specified terms. 1993, c. 38, s. 56 (2).

Same

(3) Subsection (2) applies with respect to any period after the repeal of the old Act and before subsection 1 (2) of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force. 1995, c. 1, s. 55 (2).

Same

(3.1) All the provisions of this Act that apply to a collective agreement apply to a collective agreement referred to in subsection (1) including provisions that deem collective agreements to contain specified terms. 1995, c. 1, s. 55 (2).

Same

(3.2) Subsection (3.1) applies with respect to periods on and after subsection 1 (2) of the *Labour Relations and Employment Statute Law Amendment Act, 1995* comes into force. 1995, c. 1, s. 55 (2).

Retroactive collective agreements

- (4) The old Act applies, subject to subsection (5), to a collective agreement if,
- (a) the agreement is made after the repeal of the old Act but is retroactive to a time before the repeal of that Act; and
 - (b) the old Act would have applied to the agreement had that Act not been repealed. 1993, c. 38, s. 56 (4).

Same

(5) The old Act applies under subsection (4) only with respect to periods before the repeal of that Act. 1993, c. 38, s. 56 (5).

Effect of designation, etc.

(6) The establishment or continuation of bargaining units under section 23 and the designation or continuation of a bargaining agent under section 24 does not affect the operation of a collective agreement in force at the time of the designation. 1995, c. 1, s. 55 (3).

Bargaining

57. (1) If notice to bargain is given under subsection 8 (1) or 22 (1) of the old Act before this subsection comes into force but a collective agreement has not been made, the old Act continues to apply until a collective agreement is made. 1993, c. 38, s. 57 (1).

Exception

(2) Despite subsection (1), the parties may agree that the old Act ceases to apply before the collective agreement is made. 1993, c. 38, s. 57 (2).

Exception

(3) This section does not apply with respect to a bargaining unit continued by section 23. 1993, c. 38, s. 57 (3); 1995, c. 1, s. 56.

58. Repealed: 1995, c. 1, s. 57.

Ontario Public Service Labour Relations Tribunal

59. (1) In this section,

“Tribunal” means the Ontario Public Service Labour Relations Tribunal. 1993, c. 38, s. 59 (1).

Tribunal continued

(2) The Tribunal is continued for the purposes of disposing of any matters in respect of which an application was made to the Tribunal before the repeal of the old Act. 1993, c. 38, s. 59 (2).

Dissolution of Tribunal

(3) The Tribunal is dissolved on the day it disposes of the last of the matters referred to in subsection (2) or on a later day named by proclamation of the Lieutenant Governor. 1993, c. 38, s. 59 (3).

Old Act continues to apply

(4) Despite its repeal, the provisions of the old Act that relate to the Tribunal continue to apply with respect to the Tribunal and to the matters before it until the Tribunal is dissolved. 1993, c. 38, s. 59 (4).

Reconsideration

(5) While the Tribunal is continued, it may reconsider anything under section 39 of the old Act and, after it is dissolved, the Ontario Labour Relations Board may reconsider anything done by the Tribunal. 1993, c. 38, s. 59 (5).

(6) Repealed: 1995, c. 1, s. 58.

Act of the Tribunal

(7) Anything done by the Tribunal shall be deemed, after the old Act is repealed, to have been done by the Ontario Labour Relations Board. 1993, c. 38, s. 59 (7).

Grievance Settlement Board

60. (1) Section 51, as it read immediately before section 59 of the *Labour Relations and Employment Statute Law Amendment Act, 1995* came into force, applies with respect to all matters referred for arbitration to the Grievance Settlement Board after June 14, 1993 and before the day on which that section came into force. 1995, c. 1, s. 59.

Same

(1.1) Section 51 applies with respect to all matters referred for arbitration to the Grievance Settlement Board on and after the day on which section 59 of the *Labour Relations and Employment Statute Law Amendment Act, 1995* comes into force. 1995, c. 1, s. 59.

Effect of reductions in size

(2) No reduction in the number of vice-chairs or members of the Grievance Settlement Board shall have any effect on a term of a vice-chair or a member if that term began before the repeal of the old Act. 1993, c. 38, s. 60 (2).

61. Repealed: 1995, c. 1, s. 60.

62.-71. Omitted (amends or repeals other Acts). 1993, c. 38, ss. 62-71.

72. Omitted (provides for coming into force of provisions of this Act). 1993, c. 38, s. 72.

73. Omitted (enacts short title of this Act). 1993, c. 38, s. 73.

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