

ORDERS SUSPENDING THE RIGHT TO STRIKE OR TO LOCK OUT

ALBERTA

Suspension of the right to strike or to lock out under sections 112 and 113 of the Labour Relations Code

(Note: Since 1960, the general collective bargaining legislation has contained provisions permitting the imposition of emergency procedures for the settlement of labour disputes creating specified emergency situations. The current provisions give the Lieutenant Governor in Council the power to order emergency procedures if, in his/her opinion, an emergency exists or may occur in circumstances involving (1) damage to health or property as a consequence of cessation or reduction of utility or health services or (2) unreasonable hardship to persons who are not parties to the dispute. Any strike or lockout becomes illegal after the date fixed in the order and the Minister responsible for labour establishes a settlement procedure which may include the establishment of a Public Emergency Tribunal.)

<u>Orders Regarding Labour Dispute</u>	<u>Strike Dates</u>
1) Bow Valley School Authorities Association and Alberta Teachers Association (641 persons involved; 10,256 working days lost)	November 29 - December 20, 1971
2) Elevator Companies and International Union of Elevator Constructors (201 persons involved; 2,346 working days lost) (The dispute was terminated at the parties' own request.)	October 5, 1972 - March 25, 1973
3) Southern Alberta School Authorities Association and Alberta Teachers Association (1,411 persons involved; 21,165 working days lost)	March 12 - April 2, 1973
4) Alberta Hospitals Association and Alberta Association of Registered Nurses (2,349 persons involved; 11,745 working days lost)	July 4 - July 9, 1977
5) Edmonton School Board District No. 7 and Alberta Teachers Association (3,900 persons involved; 35,100 working days lost)	September 7 - September 20, 1978
6) Alberta Hospitals Association and United Nurses Association (6,000 persons involved; 36,000 working days lost)	April 18 - April 28, 1980
7) Calgary School District No. 19 and Alberta Teachers Association (4,524 persons involved; 199,496 working days lost)	May 27 - September 29, 1980
8) City of Edmonton and paramedics represented by the Canadian Union of Public Employees, Local 3197 (An order was issued on May 31, 2001 to prevent a work stoppage.)	
9) Teachers in 22 school districts represented by the Alberta Teachers' Association (An order was issued on February 21, 2002 regarding 20,947 teachers. This order was quashed by the Court of Queen's Bench on March 1, 2002.)	February 4 - February 21, 2002

NEW BRUNSWICK

Suspension of the right to strike or to lock out under subsections 80(4), 91(5) and 91(6) of the Industrial Relations Act

(Note: From April 1, 1972 to December 8, 1988, municipal and regional police officers had the right to strike but, in order to protect public safety, the Lieutenant Governor in Council had the power to prohibit a strike or a lockout affecting them, and could require binding arbitration.)

1. Police officers, City of Bathurst (CUPE) (July 11, 1979)
(An order was issued to end a strike, but the dispute was settled before it was implemented.)
2. Police officers, City of Moncton (CUPE) (May 14, 1985)
(An order was issued before a strike or lockout was declared.)
3. Police officers, City of Saint John (CUPE) (May 17, 1985)
(An order was issued before a strike or lockout was declared.)
4. Police officers, City of Chatham (CUPE) (June 13, 1985)
(An order was issued to end a two-week strike.)
5. Police officers, City of Newcastle (CUPE) (October 2, 1987)
(An order was issued before a strike or lockout was declared.)

NEWFOUNDLAND AND LABRADOR

Suspension of the right to strike under sections 30, 32 and 35(1) of the Public Service Collective Bargaining Act

(Note: When it is decided by the House of Assembly that a strike is or would be injurious to the health or safety of the public, or the security of the province, it may pass a resolution declaring that a state of emergency exists, forbid the strike and order a return to work. The matters in dispute are then referred to binding arbitration.)

1. Hospital support staff represented by the Newfoundland Association of Public Employees
(June 22, 1990) (Nfld. Reg. 165/90) (An order was issued during a strike.)

QUEBEC

Suspension of the right to strike under section 111.0.24 of the Labour Code

(Note: This provision, which took effect on August 3, 1982, gives the government the power to suspend the right to strike in public services subject to an order to maintain essential services, when it is of the opinion that essential services provided for or actually rendered where a strike is apprehended or in progress are insufficient, and this situation is endangering public health or safety. Such an order to suspend a strike has effect until it is proved to the government that, where the right to strike is exercised, essential services in these public services will be sufficiently maintained.)

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| 1. | Syndicat des employés d'entretien de la Commission de transport de la Rive-Sud de Montréal (C.S.N.) (Union of maintenance employees for the Montreal South Shore Transit Commission (C.N.T.U.)) | O.C. 124-86;
effective: Feb.16/86 |
| 2. | Syndicat canadien de la fonction publique, section locale 301 (CUPE local 301) (Blue collar workers employed by the City of Montreal) | O.C. 287-86;
effective: Mar. 19/86 |
| 3. | Syndicat du transport de Montréal (CSN) (Maintenance employees of the Montreal Urban Community Transit Commission) | O.C. 682-87;
effective: May 4/87 |

Extension of, or amendment to, the construction decree under section 51 of the Act respecting labour relations, vocational training and manpower management in the construction industry

(Note: Between December 24, 1974 and July 1, 1994, the government of Quebec had the power to extend, repeal or amend the construction decree without the consent of the associations of employees or the employers association, when it was of the opinion that, in the public interest, this was the only solution which could remedy the situation. It could not, however, so amend the decree without such associations having been invited to a hearing before the parliamentary Committee on Labour, Manpower and Immigration, with regard to the reasons for the impossibility to come to an agreement on the changes to be made.)

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| 1. | Amendment to the construction decree (wage increases) | O.C. 204-75;
effective: Jan.16/75 |
| 2. | Amendment to the construction decree (wage increase) and three-month extension | O.C. 1550-76; effective:
May 1/76 |
| 3. | Amendment to the construction decree (various modifications, including wage increases) | O.C. 3281-77; effective:
Sept. 28/77 |
| 4. | Amendment to the construction decree (various modifications, including some dealing with jurisdictional disputes) | O.C. 1801-81; effective:
June 23/81 |
| 5. | Amendment to the construction decree (pipeline construction) | O.C. 1802-81; effective:
June 23/81 |
| 6. | Amendment to the construction decree (various modifications, including wage increases) and twenty-three-month extension | O.C. 1289-82;
effective: May 31/82 |
| 7. | Amendment to the construction decree (minor modifications) and four-month extension | O.C. 998-84;
effective: Apr. 29/84 |
| 8. | Amendment to the construction decree (wage increase) and twenty-month extension | O.C. 1948-84; effective:
Aug.30/84 |
| 9. | Amendment to the construction decree resulting in a three-week extension | O.C. 576-90;
effective: Apr. 27/90 |

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| 10. | Amendment to the construction decree (various modifications, including wage increases) and extension for two years and forty-nine weeks | O.C. 695-90;
effective: May 21/90 |
| 11. | Amendment to the construction decree resulting in a forty-five day extension | O.C. 629-93;
effective: Apr. 30/93 |
| 12. | Amendment to the construction decree resulting in a six-month extension | O.C. 835-93;
effective: June 14/93 |

SASKATCHEWAN

Suspension of the right to strike or to lock out under section 3 of The Essential Services Emergency Act, 1966

(Note: From September 12, 1966 to April 16, 1971, where, in the opinion of the Lieutenant Governor in Council, a state of emergency existed in the province in such circumstances that:

- a) life, health or property could be in serious jeopardy by reason of a labour dispute involving employees engaged in the operation of any system, plant or equipment for furnishing or supplying water, heat, electricity or gas service to the public, or involving employees engaged in the provision of hospital services anywhere in the province; or
- b) the economic welfare of the province or any of its parts could be in serious jeopardy by reason of a labour dispute involving employees engaged in the provision of construction services (this particular provision took effect on June 30, 1970),

the Lieutenant Governor in Council had the power to issue a proclamation prohibiting strikes and lockouts and ordering emergency procedures (i.e. binding arbitration) to settle the labour dispute.

1. Saskatchewan Power Corporation's employees represented by the Oil, Chemical and Atomic Workers International Saskatchewan Power and Gas Local 9-649
(A proclamation regarding a strike by the employees was issued on September 12, 1966.)
2. Victoria Union Hospital (Prince Albert) and employees represented by the Canadian Union of Public Employees
(A proclamation was issued on December 12, 1969 regarding a strike that had continued since November 16, 1969.)
3. Construction services in the province
(A proclamation regarding various labour disputes, which included strikes, was issued on July 10, 1970.)
4. Parkside Nursing Home Ltd. (Regina) and employees represented by the Service Employees' International Union, Local 299
(A proclamation regarding a labour dispute was issued on September 1, 1970.)