Human Resources Legislative Update

Bill 77, *Labour Relations Amendment Act (Fairness for Employees), 2012*

Date: June 7, 2012

On May 3, 2012, Bill 77, Labour Relations Amendment Act (Fairness for Employees), 2012, a Private Member's Bill, passed at Second Reading and was referred to the Standing Committee on Finance and Economic Affairs; the Bill was considered on June 7, 2012.

Bill 77 proposes a number of amendments to the *Labour Relations Act, 1995* ("Act"). These include:

- amendments permitting a trade union to ask the Ontario Labour Relations Board ("Board") to direct an employer to provide the trade union with a list of employees in a bargaining unit that could be appropriate for collective bargaining.
- Currently, the Act sets out procedures for representation votes when a trade union applies for certification as a bargaining agent. Proposed amendments would empower the Board to direct that representation votes be held at a neutral site, electronically, or by telephone.
- Currently, parties who are unable to enter into a first collective agreement may apply to the Board to direct the settlement of a first collective agreement by arbitration. Proposed amendments would provide that as an alternative, either party may request first agreement arbitration by contacting the Minister. The Minister would be required to refer the matter to a board of arbitration, if certain conditions are met.
- Currently, the Act includes provisions governing successor rights when a business is sold. Proposed amendments would extend the rules to the contract services sector.
- Section 98 of the Act currently allows the Board to make interim orders reinstating employees in certain circumstances when proceedings are pending. The Bill would amend the interim order provisions.

If passed, the Bill would come into force on Royal Assent.

While the provisions of Bill 77 are potentially far-reaching, it is important to recall that it is a Private Member's Bill. Historically, very few Private Member's Bills are passed by the Legislature into law. At this time, it remains to be seen to what extent Bill 77 will be amended at the Committee stage of the legislative process, prior to its reintroduction in the House. We will continue to monitor its status, and update you accordingly.