



# **BILL NO. 69**

*Government Bill*

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*2nd Session, 62nd General Assembly  
Nova Scotia  
64 Elizabeth II, 2015*

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## **An Act to Amend Chapter 32 of the Acts of 2014, the Health Authorities Act**

CHAPTER 1  
ACTS OF 2015

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE  
APRIL 1, 2015**

The Honourable Leo A. Glavine  
*Minister of Health and Wellness*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 32  
of the Acts of 2014,  
the Health Authorities Act**

Be it enacted by the Governor and Assembly as follows:

**1 (1) Subsection 2(1) of Chapter 32 of the Acts of 2014, the *Health Authorities Act*, is amended by**

**(a) adding immediately after clause (i) the following clause:**

(ia) “council of unions” means

(i) the Nova Scotia Council of Nursing Unions,

(ii) the Nova Scotia Council of Health Care Unions,

(iii) the Nova Scotia Council of Health Administrative Professional Unions, or

(iv) the Nova Scotia Council of Health Support Unions;

**(b) adding immediately after clause (k) the following clause:**

(ka) “filing date” means the date on which the last of the constitutions of the four councils of unions is filed with the Labour Board under subsection 80D(2);

**(c) adding “as it read immediately before the coming into force of this clause” immediately after “85” in the second line of clause (w); and**

**(d) striking out clause (zj).**

**(2) Subsection 2(2) of Chapter 32 is amended by striking out “26 and 83 to 104” in the second line and substituting “80A to 80K and 83 to 102”.**

**2 Subsection 4(2) of Chapter 32 is amended by striking out “83 to 104” in the first and in the third lines and substituting in each case “80A to 80K and 83 to 102”.**

**3 Section 26 of Chapter 32 is repealed.**

**4 Chapter 32 is further amended by adding immediately after Section 80 the following heading and Sections:**

LABOUR RELATIONS

80A (1) Clause 30(3)(c), subsection 38(3) and Sections 40A and 40B of the *Trade Union Act* do not apply to labour relations between the health authorities, their unionized employees and the councils of unions.

(2) Sections 40A and 40B of the *Trade Union Act* do not apply to labour relations between the health authorities, their unionized employees and the unions.

80B (1) Effective April 1, 2015, there are four bargaining units of unionized employees for each health authority, namely,

(a) a nursing bargaining unit composed of all unionized employees who occupy positions that must be occupied by a registered nurse or a licensed practical nurse;

(b) a health care bargaining unit composed of all unionized employees who

(i) occupy positions that require them to be engaged primarily in a clinical capacity to provide patient care, and

(ii) are not included in the nursing bargaining unit;

(c) an administrative professionals bargaining unit composed of all unionized employees who occupy positions that require them to be engaged primarily in a non-clinical capacity to perform functions that are predominantly administrative or clerical; and

(d) a support bargaining unit composed of all unionized employees who

(i) occupy positions that require them to be engaged primarily in a non-clinical capacity to provide operational support in respect of the provision of health services, and

(ii) are not included in the administrative professionals bargaining unit.

(2) The initial composition of each bargaining unit is as determined in Schedules 3 to 7 to the decision of the mediator-arbitrator dated February 19, 2015.

(3) The integration of seniority of unionized employees in each bargaining unit and the process for determining unionized employees' integrated seniority and resolving any disputes over unionized employees' integrated seniority must be determined in accordance with Schedule 1 to the decision of the mediator-arbitrator dated February 19, 2015.

80C (1) There shall be four councils of unions, to be known as

(a) the Nova Scotia Council of Nursing Unions;

(b) the Nova Scotia Council of Health Care Unions;

(c) the Nova Scotia Council of Health Administrative Professional Unions; and

(d) the Nova Scotia Council of Health Support Unions.

(2) A council of unions must be composed of each union that represents one or more of the unionized employees who compose the bargaining unit that the council of unions is to represent.

80D (1) The unions that compose a council of unions shall agree to a constitution for the council of unions that

(a) is consistent with this Act and Part I of the *Trade Union Act*, except clause 30(3)(c), subsection 38(3) and Sections 40A and 40B of that Act;

(b) provides the council of unions with the exclusive jurisdiction to bargain on behalf of the bargaining units for which the council of unions is to be certified as the bargaining agent and to conclude a single collective agreement in respect of those bargaining units;

(c) establishes a process for concluding essential health and community services agreements within the meaning of the *Essential Health and Community Services Act* with the health authorities;

(d) provides the council of unions with the right and obligation to resolve differences among its members in respect of the administration of a collective agreement, including differences respecting the right or obligation to belong to a particular union within the council of unions; and

(e) includes provisions respecting the ratification of collective agreements and other collective bargaining processes that reflect the relative membership size of union representation in the bargaining units within the council of unions, while ensuring that no member or group of members of a constituent union is treated in a manner that is arbitrary, discriminatory or in bad faith by the council of unions.

(2) On or before May 1, 2015, the constitution of a council of unions must be filed with the Labour Board.

(3) On and after the filing date, the constitution of a council of unions

(a) is deemed to be an order of the Labour Board; and

(b) is binding upon the unions that compose the council of unions and the unionized employees represented by those unions.

(4) One or more of the unions that compose a council of unions may, in accordance with the constitution of the council of unions, apply to the Labour Board to amend the constitution.

(5) The parties to an application made under subsection (4) are

(a) the health authorities;

(b) the council of unions, the amendment of whose constitution is the subject of the application; and

(c) the unions that compose the council of unions.

(6) The Labour Board shall decide an application made under subsection (4) in the same manner as it would reconsider, under subsection 19(1) of the *Trade Union Act*, any decision or order made by it under that Act.

(7) In deciding an application made under subsection (4), the Labour Board shall be guided by any principles respecting the amendment of the constitution of the council of unions that are set out in the constitution.

80E (1) On and after the filing date,

(a) the Nova Scotia Council of Nursing Unions is deemed to be certified as the bargaining agent for the nursing bargaining unit for each health authority;

(b) the Nova Scotia Council of Health Care Unions is deemed to be certified as the bargaining agent for the health care bargaining unit for each health authority;

(c) the Nova Scotia Council of Health Administrative Professional Unions is deemed to be certified as the bargaining agent for the administrative professionals bargaining unit for each health authority; and

(d) the Nova Scotia Council of Health Support Unions is deemed to be certified as the bargaining agent for the support bargaining unit for each health authority,

for the purposes of Sections 33 to 37, subsections 38(1) and (2) and Sections 39, 40, 47 to 52 and 61 to 75 of the *Trade Union Act*.

(2) On and after the filing date, except for the purposes described by subsection (1), a union that, immediately before the filing date, was certified or recognized as bargaining agent for unionized employees in a bargaining unit of a health authority continues to be certified or recognized as the bargaining agent for those unionized employees.

80F (1) A council of unions is deemed to be a trade union for the purpose of the *Trade Union Act*.

(2) A council of unions is deemed to be a bargaining agent for the purpose of the *Essential Health and Community Services Act*.

80G The health authorities shall engage in multi-employer collective bargaining to conclude a single collective agreement between the health authorities and a council of unions in respect of the two bargaining units represented by the council of unions.

80H (1) For the purposes of conducting a vote to ratify a proposed collective agreement or a vote as to whether to strike or not to strike, the two bargaining units represented by a council of unions are deemed to be a single bargaining unit.

(2) The majority required when conducting a vote to ratify a proposed collective agreement between the health authorities and a council of unions is a majority of the votes cast by the unionized employees represented by the council of unions.

(3) For greater certainty, the majority required when conducting a vote as to whether the unionized employees represented by a council of unions are to strike or not to strike is a majority of the unionized employees represented by the council of unions.

80I A collective agreement entered into between the health authorities and a council of unions is binding upon the health authorities, the council of unions, the unions that compose the council of unions and every unionized employee in the two bargaining units represented by the council of unions.

80J (1) A health authority, a council of unions or a union may apply to the Labour Board for the resolution of any question or problem that has arisen or may arise in relation to the implementation of the provisions of this Act respecting labour relations.

(2) Upon the application being made, the Labour Board shall, by order, make whatever award, give whatever direction or take any other action that in its discretion the Board considers appropriate, to resolve any relevant question or problem including, without restricting the generality of the foregoing, any question relating to the interpretation or application of Schedules 1 to 7 of the decision of the mediator-arbitrator dated February 19, 2015.

(3) Where an application is made under this Section, the Labour Board may make or cause to be made any examination of records or other inquiries, and may hold any hearings that it considers necessary and prescribe the nature of evidence to be furnished to the Labour Board.

80K Where a council of unions is guilty of an offence under any enactment, each of the unions that compose the council of unions is also guilty of an offence and is liable on summary conviction to the penalties set out in the enactment, whether or not the council of unions has been prosecuted or convicted.

**5 Sections 83 to 97 of Chapter 32 are repealed and the following Sections substituted:**

83 (1) Subject to subsection (2), for each bargaining unit, until a new collective agreement is concluded, the collective agreements pertaining to the unionized employees in the bargaining unit and in force immediately before April 1, 2015, must be applied in accordance with the protocol set out in Schedule 2 to the decision of the mediator-arbitrator dated February 19, 2015.

(2) Notwithstanding Schedule 2 to the decision of the mediator-arbitrator dated February 19, 2015, any dispute between a health authority and a union regarding the interpretation or implementation of the protocol set out in Schedule 2 must be resolved by the Labour Board.

84 Until the first collective agreement is concluded between a health authority and a council of unions, Sections 23 to 26 of the *Trade Union Act* do not apply to labour relations between the health authority, its unionized employees and

- (a) the council of unions; or
- (b) the unions that compose the council of unions in their capacity as bargaining agents for the unionized employees.

85 (1) The order of the mediator-arbitrator dated February 19, 2015, to the extent that it declares the Nova Scotia Government Employees Union to be the exclusive bargaining agent for the unionized employees in the health care bargaining units of the provincial health authority and the IWK Health Centre, is void *ab initio*.

(2) The order of the mediator-arbitrator dated February 25, 2015, is void *ab initio*.

**6 Section 98 of Chapter 32 is amended by striking out “April 1, 2015” in the first line and substituting “the filing date”.**

**7 Section 99 of Chapter 32 is amended by striking out “April 1, 2015” in the first line and substituting “the filing date”.**

**8 (1) Subsection 102(1) of Chapter 32 is amended by striking out “April 1, 2015” in the last line and substituting “the filing date”.**

**(2) Subsection 102(2) of Chapter 32 is amended by striking out “April 1, 2015” in the last line and substituting “the filing date”.**

**(3) Subsection 102(3) of Chapter 32 is amended by striking out “April 1, 2015” in the second last and last lines and substituting “the filing date”.**

**9 Sections 103 and 104 of Chapter 32 are repealed.**

**10 Sections 105 and 106 of Chapter 32 are repealed and the following Section substituted:**

105 Subsection 80A(2) is repealed.

**11 Subsection 155(2) of Chapter 32 is amended by striking out “Sections 105 and 106 come” in the first line and substituting “Section 105 comes”.**

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