

**From:** Justice Minister  
**To:** Allen, Monica L  
**Date:** 01 December 2010 01:26 PM  
**Subject:** Fwd: Bill 100  
**Attachments:** Bill 100 - First Reading.pdf

For Mr. Hebb's attention

>>> "Bernadine MacAulay" <[BMacAulay@scotiainvestments.ca](mailto:BMacAulay@scotiainvestments.ca)> 12/1/2010 1:20 PM >>>  
Honourable Minister  
Chair of Law Amendments Committee

Further to the oral presentation of the Office of the Employer Advisor on November 30, 2010, I am please to provide a written copy of my notes for the Committee's consideration.

/bm

Bernadine MacAulay  
Associate Counsel  
Scotia Investments Limited  
3 Bedford Hills Road  
Bedford, NS B4A 1J5

Phone: (902) 835-3262  
Fax: (902) 835-8062  
Email: [bmacaulay@scotiainvestments.ca](mailto:bmacaulay@scotiainvestments.ca)

[www.scotiainvestments.ca](http://www.scotiainvestments.ca)

\*\*\*\*\*

This e-mail message (including attachments, if any) is confidential and may be privileged. Any unauthorized distribution or disclosure is prohibited. Disclosure to anyone other than the intended recipient does not constitute waiver of privilege. If you have received this e-mail in error, please notify us and delete it and any attachments from you computer system and records.

-----  
Ce courriel (y compris les pièces jointes) est confidentiel et peut être privilégié. La distribution ou la divulgation non autorisée de ce courriel est interdite. Sa divulgation à toute personne autre que son destinataire ne constitue pas une renonciation de privilège. Si vous avez reçu ce courriel par erreur, veuillez nous aviser et éliminer ce courriel, ainsi que les pièces jointes, de votre système informatique et de vos dossiers.

# BILL NO. 100

(as introduced)



2nd Session, 61st General Assembly  
Nova Scotia  
59 Elizabeth II, 2010

Government Bill

## Labour Board Act

The Honourable Marilyn More  
Minister of Labour and Workforce Development

First Reading: November 19, 2010

Second Reading:

Third Reading:



### An Act to Establish a Unified Labour Board

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the Labour Board Act.

2 In this Act,

- (a) "Board" means the Labour Board established by this Act;
- (b) "Chair" means the Chair of the Board;
- (c) "member", unless the context otherwise requires, means a member of the Board, and includes the Chair and any vice-chairs of the Board;
- (d) "Minister" means the Minister of Labour and Workforce Development;
- (e) "vice-chair" means a vice-chair of the Board.

3 (1) There is hereby established a Labour Board consisting of

- (a) a full-time Chair who is not representative of either employers or employees;
- (b) one or more vice-chairs who are not representative of either employers or employees; and
- (c) such other members, who are representative of either employers or employees, as the Governor in Council considers necessary from time to time to enable the Board to function effectively.

(2) The Governor in Council shall appoint the members of the Board.

(3) The Governor in Council shall designate a vice-chair as the alternative Chair to act in the absence of the Chair or in the case of a vacancy.

4 (1) The Chair shall not accept or hold any office, membership, employment or interest, or engage in any business activity, that is inconsistent with the proper performance of the duties and functions of the Chair.

(2) Where an interest that is prohibited under subsection (1) vests, by whatever means, in the Chair, the Chair shall disclose the interest to the Minister without delay and, within a reasonable time, either divest himself or herself of the interest or resign as Chair.

(3) Where a vice-chair or other member who is assigned to hear or is hearing any matter before the Board, either alone or as a member of a panel, holds any pecuniary or other interest that could be inconsistent with the proper performance of their duties and functions in relation to the matter, the vice-chair or other member shall disclose the interest to the Chair without delay and is ineligible to hear, or to continue to hear, the matter.

(4) Where the Chair, a vice-chair or other member fails to divest himself or herself of an interest or resign, as required by this Section, the Governor in Council may declare the office of the Chair, the vice-chair or other member vacant.

(5) The Chair shall devote the whole of the Chair's time to the performance of the Chair's duties and functions under this Act.

5 (1) The Chair shall be appointed for a term not exceeding five years and may be re-appointed.

(2) Each vice-chair and the other members shall be appointed for a term not exceeding three years and may be re-appointed.

(3) The appointment of the Chair, a vice-chair or any other member may be revoked by the Governor in Council for cause.

6 The Chair, the vice-chairs and the other members of the Board shall be paid remuneration as may be fixed by the Governor in Council, and actual and reasonable expenses as may be incurred by them in the discharge of their duties.

7 (1) For the purpose of the Public Service Superannuation Act, the Chair is and is deemed to be a person employed in the public service of the Province and full-time service in employment of the Board is and is deemed to be public service.

(2) The Board shall deduct from the salary of the Chair such amount as is directed by the Governor in Council to be deducted from the salary of employees in the public service of the Province, and shall pay the same to the Minister of Finance, and such amounts when so received must be paid into and form part of the Superannuation Fund pursuant to the Public Service Superannuation Act.

(3) Where, by the Public Service Superannuation Act, a payment is directed to be made into the Superannuation Fund by the Government of the Province or by the Minister of Finance, or where by such Act a superannuation allowance or other sum is directed to be paid out of the General Revenue Fund of the Province, then, in respect of the Chair, the payment, superannuation allowance or other sum must be defrayed by the Board and forms part of the annual expenses of the Board.

8 The Chair, each vice-chair and each of the other members shall, before entering office, be sworn to the faithful performance of their duties and shall file with the Minister an oath or affirmation of office to that effect in the following form:

I \_\_\_\_\_ do solemnly swear (affirm) that I will faithfully, truly and impartially, to the best of my judgement, skill and ability, execute and perform the duties that devolve upon me under the Labour Board Act (or any other Act of the Legislature) by reason of my duties as \_\_\_\_\_ and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. (In the case where an oath is taken add "So help me God".)

9 (1) The Minister is responsible for the administration of this Act.

(2) The Board shall perform the duties and functions required or authorized to be performed by the Board, and may exercise such powers as may be conferred on the Board, under this or any other Act of the Legislature or under any regulations duly enacted, including without limiting the generality of the foregoing,

(a) the Civil Service Collective Bargaining Act;

(b) the Corrections Act;

(c) the Highway Workers Collective Bargaining Act;

(d) the Labour Standards Code;

(e) the Occupational Health and Safety Act and the Occupational Health and Safety Administrative Penalties Regulations;

(f) the Teachers' Collective Bargaining Act; and

(g) the Trade Union Act.

(3) The Board shall perform such other duties and functions as may be required or authorized to be performed by the Board, and may exercise such other powers as may be conferred on the Board, from time to time by the Governor in Council.

10 (1) The Board is constituted and shall act as directed from time to time by the Chair or as otherwise prescribed by this, or any other Act of the Legislature, as a panel of the Board consisting of

(a) the Chair or a vice-chair alone, as the chair of the panel; or

(b) the Chair or a vice-chair, as the chair of a panel, and two other members equally representative of employees and employers.

(2) Two or more panels of the Board may be constituted and may act simultaneously.

(3) A panel of the Board constitutes a quorum of the Board.

(4) Where a panel of the Board consists of more than one person, a decision of the majority of the members of a panel is the decision of the panel but if a panel consists of the Chair or a vice-chair alone, the decision of the chair of the panel is the decision of the panel.

(5) A vacancy in the Board does not impair the right of the remaining members to act.

(6) Any decision, determination, direction, declaration, order, interim order or ruling of, or any act or thing done by a panel of the Board is a decision, determination, direction, declaration, order, interim order or ruling of, or an act or thing done by, the Board.

(7) Every decision, determination, direction, declaration, order, interim order or ruling of the Board and every appointment made by the Board must be signed by the Chair, a vice-chair or a duly appointed officer of the Board and, where purporting to be so signed is presumed to have been signed by the person purporting to have signed it, without proof of the signature, authority or appointment of the person purporting to have signed it, and when adduced as evidence in any proceeding, it must be received and is, in the absence of evidence to the contrary, proof of its making and of its content.

11 (1) The Board and each member has the powers, privileges and immunities of a commissioner under the Public Inquiries Act, including, but not so as to limit those powers, the power to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce any documents and things that the Board considers necessary to the full investigation of any matter within its jurisdiction.

(2) The Board may receive and accept any evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper, whether admissible as evidence in a court of law or not.

(3) The Board shall determine its own procedure, but shall, unless contrary authority appears in this Act or in another Act of the Legislature, in every case give an opportunity to all interested parties to present evidence and make representation.

12 (1) The Board may



- (a) make rules governing its practice and procedure in relation to matters coming before it; and
- (b) with the approval of the Governor in Council, make regulations necessary to enable it to discharge the duties imposed upon it by this Act.

(2) The Governor in Council may make regulations

- (a) respecting the remuneration and expenses of the Chair, the vice-chairs and the other members;
- (b) respecting the jurisdiction of the Board, and conferring additional powers, functions, duties and responsibilities upon it;
- (c) respecting the keeping of a record of matters or proceedings before the Board;
- (d) defining any word or expression used but not defined in this Act;
- (e) respecting any matter the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(3) The exercise by the Governor in Council of the authority contained in subsection (2) is regulations within the meaning of the Regulations Act.

### 13 The Chair

(a) except where otherwise prescribed by this or any other Act of the Legislature, shall, in the Chair's discretion, direct that a particular matter required or authorized to be heard, determined or otherwise dealt with by the Board, or any other act or thing required or authorized to be done by the Board, be heard, determined or otherwise dealt with or be done by a panel of the Board consisting of

(i) the Chair or a vice-chair alone, or

(ii) the Chair or a vice-chair, as the chair of a panel, and two other members of the Board equally representative of employees and employers;

(b) shall, from time to time, assign the vice-chairs and members to panels of the Board, as required, and may change an assignment;

(c) has general supervision and direction over the conduct of the affairs of the Board, and has responsibility for the administration of the Board;

(d) shall hear, determine, or otherwise deal with such matters and do such other acts or things as the Chair determines should be heard, determined or otherwise dealt with by the Chair alone or by a panel of which the Chair is the chair, and may delegate to a duly authorized officer of the Board such functions as the Chair considers necessary for the proper functioning of the Board; and

(e) shall perform such other duties and functions as may be required or authorized to be performed by the Chair, and may exercise such other powers as may be conferred on the Chair under this or any other Act of the Legislature or by the Governor in Council.

### 14 A vice-chair

(a) shall hear, determine, or otherwise deal with such matters and do such other acts or things as the Chair directs in accordance with clause 13(a) should be heard, determined or otherwise dealt with by the vice-chair alone or by a panel of which the vice-chair is the chair; and

(b) shall perform such other duties and functions as may be required or authorized to be performed by the vice-chair, and may exercise such other powers as may be conferred on the vice-chair under this or any other Act of the Legislature or by the Governor in Council.

15 There may be employed any officers, clerks and employees who are necessary for the administration of this Act, including a Chief Executive Officer of the Board.

16 Any money required for the administration of this Act, or for the carrying out of any of the provisions of this Act, must, in the absence of any vote of the House of Assembly available therefor, be paid out of the General Revenue Fund of the Province.

17 The fiscal year of the Board is the same as the fiscal year of the Province.

18 (1) The Board shall have an official seal.

(2) The failure to affix a seal to a decision, determination, direction, declaration, order, interim order, or ruling of the Board does not affect the validity of the decision, determination, direction, declaration, order, interim order, or ruling or any proceedings in relation to it.

19 (1) The following boards and panels are abolished:

(a) the Civil Service Employee Relations Board under the Civil Service Collective Bargaining Act;

(b) the Construction Industry Panel under the Trade Union Act;

(c) the Correctional Facilities Employee Relations Board under the Corrections Act;

(d) the Highway Workers Employee Relations Board under the Highway Workers Collective Bargaining Act; and

(e) the Labour Relations Board (Nova Scotia) under the Teachers' Collective Bargaining Act and the Trade Union Act.

(2) The following tribunal and panel are abolished:

(a) the Labour Standards Tribunal under the Labour Standards Code; and

(b) the Occupational Health and Safety Appeal Panel under the Occupational Health and Safety Act. and the Occupational Health and Safety Administrative Penalties Regulations.

20 (1) Notwithstanding subsection 19(1), a member of a board or panel referred to in that subsection is, on the commencement of this Act, a member of the Board and holds office as a member for the remainder of the term of appointment as for the board or panel to which the member was first appointed and of which the member is, immediately before the commencement of this Act, still a member.

(2) Notwithstanding subsection 19(2), a member of the tribunal or panel referred to in that subsection is,

on the abolition of the tribunal or panel, a member of the Board and holds office as a member for the remainder of the term of appointment as for the tribunal or panel to which the member was first appointed and of which the member is, immediately before the abolition of the tribunal or panel, still a member.

21 Any decision, determination, direction, declaration, order, interim order or ruling of any of the boards, panels and tribunal abolished under Section 19 that is valid and of full force and effect immediately before the commencement of this Act continues to be valid and of full force and effect notwithstanding the abolition of the boards, panels or tribunal, and is deemed to be the decision, determination, direction, declaration, order, interim order or ruling of the Board.

22 (1) After the commencement of this Act, any proceeding, hearing, matter or thing commenced by the boards and panel abolished under subsection 19(1) that would be dealt with by the Board, if commenced after the commencement of this Act, may be dealt with and completed by the Board.

(2) After the abolition of the tribunal and panel referred to in subsection 19(2), any proceeding, hearing, matter or thing commenced by the tribunal and panel abolished in accordance with that subsection that would be dealt with by the Board, if commenced after the abolition of the tribunal and panel, may be dealt with and completed by the Board.

23 The documentation, information, records and files pertaining to any proceeding, hearing, matter or thing to be dealt with or be completed by the Board under Section 22 becomes the documentation, information, records and files of the Board, on the commencement of this Act in the case of the boards and panel abolished pursuant to subsection 19(1), or upon the abolition of the tribunal and panel referred to in subsection 19(2), on the date fixed by the proclamation under subsection 19(2).

24 (1) Notwithstanding Sections 19 and 21 and subsection 22(1), the Chair may authorize the boards or panel abolished pursuant to subsection 19(1) to deal with and complete any proceeding, hearing, matter or thing commenced by the boards or panel before the commencement of this Act.

(2) Notwithstanding Sections 19 and 21 and subsection 22(2), the Chair may authorize the tribunal or panel abolished pursuant to subsection 19(2) to deal with and complete any proceeding, hearing, matter or thing commenced by the tribunal or panel before its abolition.

(3) Any proceeding, hearing, matter or thing dealt with and completed by a board, panel or tribunal under subsection (1) or (2) must be dealt with and completed in accordance with the law as it existed immediately before the commencement of this Act or the abolition of the tribunal or panel, as the case may be, and as if the board, panel or tribunal had not been abolished.

(4) Any decision, determination, direction, declaration, order, interim order or ruling of a board, panel or tribunal made in accordance with subsection (1) or (2) is deemed to be a decision, determination, direction, declaration, order, interim order or ruling of the Board.

25 Where in any enactment, other than this Act, or in any agreement, instrument or document, reference is made to any of the boards, panels or tribunal referred to in subsections 19(1) and (2), it must be read, unless the context otherwise requires, as a reference to the Board.

26 Section 2 of Chapter 71 of the Revised Statutes, 1989, the Civil Service Collective Bargaining Act, is amended by



(a) adding immediately after clause (b) the following clause:

(ba) "arbitration board" means a one-person or three-person board established pursuant to this Act for purpose of determining an interest dispute;

(b) striking out clause (d) and substituting the following clause:

(d) "Board" means the Labour Board established by the Labour Board Act;

and

(c) adding immediately after clause (i) the following clause:

(ia) "Minister", for purpose of Sections 19, 20, 22 to 26, 28, 31, 34, 35 and 37A, means the Minister of Labour and Workforce Development;

27 Sections 3 to 6, 8 and 9 and subsection 13(3) of Chapter 71 are repealed.

28 Section 19 of Chapter 71 is amended by

(a) striking out "Board" in the second line of clause (b) and substituting "Minister";

(b) striking out "Board" in the second line of clause (c) and substituting "Minister"; and

(c) striking out "Board" in the second last line and substituting "Minister".

29 Subsection 20(1) of Chapter 71 is amended by

(a) striking out "to" in the third line and substituting "in";

(b) striking out "Board" in the fifth and in the sixth lines and substituting in each case "Minister"; and

(c) striking out "Board" in the third line of clause (c) and substituting "Minister".

30 (1) Subsection 22(1) of Chapter 71 is amended by

(a) striking out "and are arbitral terms and conditions of employment within Schedule B" in the fifth, sixth and seventh lines; and

(b) adding ", composed of three persons unless the parties agree to submit the collective agreement to an arbitration board of one person," immediately after "board" in the last line.

(2) Subsection 22(3) of Chapter 71 is amended by striking out "included within Schedule B and" in the fourth line.

(3) Subsection 22(4) of Chapter 71 is amended by striking out "those" in the third line and substituting "its list of arbitral".

31 Subsection 23(1) of Chapter 71 is amended by

- (a) striking out "arbitral" in the first line of subclause (b)(i);
- (b) striking out "within the meaning of Schedule B to refer to an arbitration board" in the last three lines of subclause (b)(i) and substituting "that are in dispute"; and
- (c) striking out "said arbitral items" in the first line of subclause (b)(ii) and substituting "terms and conditions of employment".

32 (1) Subsection 24(1) of Chapter 71 is repealed and the following subsections substituted:

- (1) Where the Board agrees to establish an arbitration board, it shall notify the parties to the dispute in writing accordingly and require each party, within ten days, to
  - (a) where the arbitration board is to be comprised of one person, attempt to agree upon a person satisfactory to both parties to be the arbitration board and, where agreement is reached, give the Board the name of the person; or
  - (b) where the arbitration board is to be comprised of three persons, give the Board and the other party the name of a person to act as its nominee on the arbitration board.
- (1A) Where agreement is reached pursuant to clause (1)(a), the person agreed upon is appointed as the arbitration board and is the chair of the arbitration board.

(2) Subsection 24(2) of Chapter 71 is amended by

- (a) adding "pursuant to subsection 24(1)(b)" immediately after "appointed" in the first line; and
- (b) striking out "chairman" in the third line and substituting "chair".

33 (1) Section 25 of Chapter 71 is amended by renumbering subsection (1) as subsection "(1A)" and adding immediately before that subsection the following subsection:

(1) Where the parties are unable to agree upon a person to be the arbitration board, pursuant to clause 24(1)(a), either or both parties may apply to the Board to appoint a person to be the arbitration board and the Board shall appoint such a person and that person is the chair of the arbitration board.

(2) Subsection (1), renumbered as subsection (1A), of Chapter 71 is amended by adding "pursuant to clause 24(1)(b)," immediately after "board," in the second line.

(3) Subsection 25(2) of Chapter 71 is amended by

- (a) adding "pursuant to clause 24(1)(b)," immediately after "board" in the second line;
- (b) striking out "chairman" in the third line and substituting "chair of the arbitration board"; and
- (c) striking out "chairman" in the fourth line and substituting "chair of the arbitration board".

34 (1) Subsection 26(1) Chapter 71 is amended by

- (a) striking out "three" in the first line and substituting "a person or";
- (b) striking out "are" in the first line and substituting "have been";
- (c) striking out "chairman" in the third line and substituting "chair of the arbitration board"; and
- (d) adding "member or" immediately after "the" in the first line of clause (a).

(2) Subsection 26(2) of Chapter 71 is amended by striking out "chairman" in the third line and substituting "chair".

(3) Subsection 26(4) of Chapter 71 is amended by adding "to a three-person arbitration board" immediately after "appointed" in the first line.

(4) Subsection 26(5) of Chapter 71 is amended by

- (a) striking out "chairman" in the first line and substituting "chair"; and
- (b) striking out "chairman" in the fifth line and substituting "chair of the arbitration board".

35 Section 30 of Chapter 71 is amended by adding "(1)" before the Section number and adding the following subsection:

(2) An arbitration board established pursuant to this Act has, in relation to any proceedings before the arbitration board, the powers conferred on the Board, in relation to any proceedings before the Board, by the Labour Board Act, and the parties to the proceedings may

- (a) appear and be heard and be represented by counsel; and
- (b) call witnesses and examine or cross-examine all witnesses.

36 (1) Subsection 31(3) of Chapter 71 is repealed and the following subsection substituted:

(3) Where a one-person arbitration board has been appointed pursuant to this Act, the decision of the chair of the arbitration board is the decision of the arbitration board and, where a three-person arbitration board has been appointed pursuant to this Act, the decision of the majority of the members of the arbitration board is the decision of the board but, where there is no majority, the decision of the chair of the arbitration board is the decision of the board.

(2) Subsection 31(4) of Chapter 71 is amended by striking out "chairman" in the last line and substituting "chair of the arbitration board".

(3) Subsection 31(7) of Chapter 71 is repealed and the following subsection substituted:

(7) The cost of the arbitration board must be apportioned as follows:

- (a) where a three-person arbitration board has been established,
  - (i) the Union shall pay the remuneration and expenses of the member appointed by it pursuant to Section 24,

(ii) the employer shall pay the remuneration and expenses of the member appointed by it pursuant to Section 24, and

(iii) the employer and the Union shall share equally the remuneration and expenses of the chair of the arbitration board appointed pursuant to Section 24 or 25, such remuneration and expenses to be determined by the Board; or

(b) where a one-person arbitration board has been established, the employer and the Union shall each pay one half of the remuneration and expenses of the arbitration board.

37 (1) Subsection 34(2) of Chapter 71 is amended by striking out "Board" in the last line and substituting "Minister".

(2) Subsection 34(3) of Chapter 71 is amended by striking out "Board" in the last line and substituting "Minister".

38 (1) Subsection 35(1) of Chapter 71 is amended by

(a) striking out "Board" in the second line and substituting "Minister"; and

(b) striking out "chairman" in the first line of clause (c) and substituting "chair".

(2) Subsection 35(2) of Chapter 71 is amended by

(a) striking out "chairman" in the fourth and in the sixth lines and substituting "chair"; and

(b) striking out "Board" in the fifth line and substituting "Minister".

(3) Subsection 35(3) of Chapter 71 is amended by striking out "Board" in the third line and substituting "Minister".

(4) Subsection 35(4) of Chapter 71 is amended by striking out "Board" in the second line and substituting "Minister".

(5) Subsection 35(5) of Chapter 71 is amended by striking out "chairman" in the last line and substituting "chair of the adjudication board".

(6) Subsection 35(6) of Chapter 71 is amended by striking out "chairman" in the third line and substituting "chair of the adjudication board".

39 Subsection 37A(2) of Chapter 71, as enacted by Chapter 29 of the Acts of 2009, is amended by striking out "Board" in the third line and substituting "Minister".

40 Section 43 of Chapter 71 is repealed.

41 (1) Subsection 44(1) of Chapter 71 is repealed.

(2) Subsection 44(4) of Chapter 71 is amended by striking out "Appeal Division of the Supreme Court" in the first line and substituting "Nova Scotia Court of Appeal".



42 Schedule B of Chapter 71 is repealed.

43 Section 4 of Chapter 103 of the Revised Statutes, 1989, the Corrections Act, is amended by

(a) striking out clause (a) and substituting the following clause:

(a) "Board" means the Labour Board established pursuant to the Labour Board Act;

and

(b) striking out "Solicitor General" in the first line of clause (b) and substituting "Minister of Justice".

44 (1) Subsection 7(2) of Chapter 103 is amended by striking out "Correctional Facilities Employee Relations" in the seventh last line.

(2) Clause 7(3)(a) of Chapter 103 is amended by striking out "Correctional Facilities Employee Relations" in the last two lines.

45 Sections 8 to 10 are repealed.

46 Paragraph 1 of Schedule A of Chapter 103 is amended by

(a) adding immediately after clause (c) the following clause:

(ca) "arbitration board" means a one-person or three-person board established pursuant to this Act for purposes of determining an interest dispute;

(b) striking out clause (e) and substituting the following clause:

(e) "Board" means the Labour Board established by the Labour Board Act;

(c) adding "of Justice" immediately after "Minister" in the last line of clause (h);

(d) adding "of Justice" immediately after "Minister" in the second line of clause (j);

(e) adding immediately after clause (j) the following clause:

(ja) "Minister" means, except where the context otherwise requires, Minister of Labour and Workforce Development;

and

(f) adding "of Justice" immediately after "Minister" in the fourth line of clause (l).

47 Paragraph 2 of Schedule A of Chapter 103 is repealed.

48 Subparagraph 3(2) of Schedule A of Chapter 103 is amended by striking out "be" in the last line and substituting "is".

49 Paragraph 4 of Schedule A of Chapter 103 is repealed.

50 Paragraph 14 of Schedule A of Chapter 103 is amended by

- (a) striking out "Board" in the second line of clause (b) and substituting "Minister";
- (b) striking out "Board" in the first line of clause (c) and substituting "Minister"; and
- (c) striking out "Board" in the second last line and substituting "Minister".

51 Subparagraph 15(1) of Schedule A of Chapter 103 is amended by

- (a) striking out "Board" in the fourth and in the fifth lines and substituting in each case "Minister"; and
- (b) striking out "Board" in the last line of clause (c) and substituting "Minister".

52 Subparagraph 16(2) of Schedule A of Chapter 103, as enacted by Chapter 29 of the Acts of 2009, is amended by striking out "Board" in the third line and substituting "Minister".

53 Subparagraph 18(1) of Schedule A of Chapter 103 is repealed and the following subparagraph substituted:

- (1) Where the Employer and the Union have bargained collectively with a view to concluding a collective agreement but have failed to reach agreement, the Employer or the Union, or both, shall refer those terms and conditions of employment that are in dispute, and are arbitral terms and conditions of employment by Paragraph 17, to the Board and request that an arbitration board, composed of three persons, unless the parties agree to submit the collective agreement to an arbitration board of one person, be established to resolve those terms and conditions.

54 (1) Subparagraph 20(1) of Schedule A of Chapter 103 is repealed and the following subparagraph substituted:

- (1) Where the Board agrees to establish an arbitration board, the Board shall notify the parties to the dispute in writing accordingly and require each party, within ten days, to
  - (a) where the arbitration board is to be composed of one person, attempt to agree upon a person satisfactory to both parties to be the arbitration board and, where agreement is reached, give the Board the name of the person and that person is appointed as the arbitration board and is the chair of the arbitration board; or
  - (b) where the arbitration board is to be composed of three persons, give the Board and the other party the name of a person to act as its nominee on the arbitration board.

(2) Subparagraph 20(2) of Schedule A of Chapter 103 is amended by

- (a) adding "pursuant to clause 20(1)(b)" immediately after "appointed" in the first line; and
- (b) striking out "chairman" in the third line and substituting "chair".

55 (1) Paragraph 21 of Schedule A of Chapter 103 is amended by renumbering subparagraph (1) as subparagraph "(1A)" and adding immediately before that subparagraph the following subparagraph:

(1) Where the parties are unable to agree upon a person to be the arbitration board, pursuant to clause 20(1)(b), either or both parties may apply to the Board to appoint a person to be the arbitration board and the Board shall appoint such a person and that person is the chair of the arbitration board.

(2) Subparagraph (1), renumbered as (1A), is amended by adding "pursuant to clause 20(1)(b)" immediately after "board" in the second line.

(3) Subparagraph 21(2) of Schedule A of Chapter 103 is repealed and the following subparagraph substituted:

(2) Where the two persons appointed as members of an arbitration board, pursuant to clause 20(1)(b), fail to appoint a person to act as a member and chair of the arbitration board, the Board shall appoint a person to act as a member and chair of the arbitration board on their behalf.

56 (1) Subparagraph 22(1) of Schedule A of Chapter 103 is repealed and the following subparagraph substituted:

(1) Where a person or persons have been appointed to act as a member or members of an arbitration board, the Board, by notice in writing to the chair of the arbitration board, shall

(a) establish the member or members as an arbitration board; and

(b) list the arbitral items in dispute to be resolved by the arbitration board.

(2) Subparagraph 22(2) of Schedule A of Chapter 103 is amended by striking out "chairman" in the second line and substituting "chair".

(3) Subparagraph 22(4) of Schedule A of Chapter 103 is amended by adding "to a three-person arbitration board" immediately after "appointed" in the first line.

(4) Subparagraph 22(5) of Schedule A of Chapter 103 is amended by

(a) striking out "chairman" in the first, in the fourth and both times it appears in the fifth lines and substituting in each case "chair"; and

(b) striking out "Board" in the fourth line and substituting "board".

57 Paragraph 26 of Schedule A of Chapter 103 is amended by adding "(1)" immediately after the Paragraph number and adding the following subparagraph:

(2) An arbitration board established pursuant to this Act has, in relation to any proceedings before the arbitrator, the powers conferred on the Board, in relation to any proceedings before the Board, by the Labour Board Act, and the parties to the proceedings may

(a) appear and be heard and be represented by counsel; and

(b) call witnesses and examine or cross-examine all witnesses.

58 (1) Subparagraph 27(3) of Schedule A of Chapter 103 is repealed and the following subparagraph

substituted:

(3) Where a one-person arbitration board has been appointed pursuant to this Act, the decision of the chair of the arbitration board is the decision of the arbitration board and, where a three-person arbitration board has been appointed pursuant to this Act, the decision of the majority of the members of the arbitration board is the decision of the board but, where there is no majority, the decision of the chair of the arbitration board is the decision of the board.

(2) Subparagraph 27(4) of Schedule A of Chapter 103 is amended by striking out "chairman" in the last line and substituting "chair of the arbitration board".

(3) Subparagraph 27(7) of Schedule A of Chapter 103 is amended by striking out "chairman" in the first line and substituting "chair".

59 (1) Subparagraph 30(2) of Schedule A of Chapter 103 is amended by striking out "Board" in the last line and substituting "Minister".

(2) Subparagraph 30(3) of Schedule A of Chapter 103 is amended by striking out "Board" in the last line and substituting "Minister".

60 (1) Subparagraph 31(1) of Schedule A of Chapter 103 is amended by

(a) striking out "Board" in the first line and substituting "Minister"; and

(b) striking out "chairman" in the first line of clause (c) and substituting "chair".

(2) Subparagraph 31(2) of Schedule A of Chapter 103 is amended by

(a) striking out "chairman" in the fourth and in the fifth lines and substituting in each case "chair"; and

(b) striking out "Board" in the fourth line and substituting "Minister".

(3) Subparagraph 31(3) of Schedule A of Chapter 103 is amended by striking out "Board" in the last line and substituting "Minister".

(4) Subparagraph 31(4) of Schedule A of Chapter 103 is amended by striking out "Board" in the second line and substituting "Minister".

(5) Subparagraph 31(5) of Schedule A of Chapter 103 is amended by striking out "chairman" in the third line and substituting "chair of the adjudication board".

(6) Subparagraph 31(6) of Schedule A of Chapter 103 is amended by

(a) striking out "chairman" in the third line and substituting "chair of the adjudication board"; and

(b) striking out "employer" in the third line and substituting "Employer".

(7) Subparagraph 31(8) of Schedule A of Chapter 103, as enacted by Chapter 4 of the Acts of 2000, is amended by



(a) adding a comma after "Employer" in the fifth line;

(b) deleting the comma in the fifth line; and

(c) striking out "chairman" in the seventh line and substituting "chair".

(8) Subparagraph 31(9) of Schedule A of Chapter 103, as enacted by Chapter 4 of the Acts of 2000, is amended by

(a) adding "and Workforce Development" immediately after "Labour" in the second line; and

(b) striking out "chairman" in the second line and substituting "chair".

61 Subparagraph 33A(2) of Schedule A of Chapter 103, as enacted by Chapter 29 of the Acts of 2009, is amended by striking out "Board" in the third line and substituting "Minister".

62 (1) Subparagraph 38(2) of Schedule A of Chapter 103 is amended by striking out "Appeal Division of the Supreme Court" in the last two lines and substituting "Nova Scotia Court of Appeal".

(2) Subparagraph 38(4) of Schedule A of Chapter 103 is amended by striking out "Appeal Division of the Supreme Court" in the first line and substituting "Nova Scotia Court of Appeal".

63 Clause 3(1)(m) of Chapter 1 of the Acts of 1995-96, the Education Act, is repealed.

64 (1) Subsection 9(2) of Chapter 1 is amended by striking out "Labour Relations Board" in the first line of clause (b) and in the last two lines of clause (c) and substituting in each case "Labour Board".

(2) Subsection 9(3) of Chapter 1 is amended by striking out "Labour Relations Board" in the second line and substituting "Labour Board".

(3) Subsection 9(4) of Chapter 1 is amended by striking out "Labour Relations Board" in the first line and substituting "Labour Board".

(4) Subsection 9(7) of Chapter 1 is amended by striking out "Labour Relations Board" in the first line and substituting "Labour Board".

(5) Subsections 9(8) and (9) of Chapter are repealed.

65 Section 2 of Chapter 1 of the Acts of 1997 (Second Session), the Highway Workers Collective Bargaining Act, is amended by

(a) adding immediately after clause (b) the following clause:

(ba) "arbitration board" means a one-person or three-person board established pursuant to this Act for the purpose of determining an interest dispute;

(b) striking out clause (c) and substituting the following clause:

(c) "Board" means the Labour Board established by the Labour Board Act;

(c) striking out "and Public Works" in the last line of clause (g) and substituting "and Infrastructure Renewal"; and

(d) adding immediately after clause (i) the following clause:

(ia) "Minister", for the purpose of Sections 21, 22, 24, 25, 27, 28, 30, 33, 36, 37 and 39A, means the Minister of Labour and Workforce Development;

66 (1) Subsection 4(2) of Chapter 1 is amended by striking out "Labour Relations Board (Nova Scotia)" in the sixth last line and substituting "Board".

(2) Clause 4(3) of Chapter 1 is amended by striking out "Labour Relations Board (Nova Scotia)" in the last two lines of clause (a) and substituting "Board".

67 Sections 5 to 8, 10 and 11 are repealed.

68 Section 21 of Chapter 1 is amended by striking out "Board" in the second line of clause (b), in the second line of clause (c) and in the second last line and substituting in each case "Minister".

69 Subsection 22(1) of Chapter 1 is amended by striking out "Board" in the fifth and in the sixth lines and in the last line of clause (c) and substituting in each case "Minister".

70 (1) Subsection 24(1) of Chapter 1 is amended by

(a) striking out "and are arbitral terms and conditions of employment within the Schedule to this Act" in the fifth and sixth lines; and

(b) adding ", composed of three persons unless the parties agree to submit the collective agreement to an arbitration board of one person," immediately after "board" in the seventh line.

(2) Subsection 24(3) of Chapter 1 is amended by striking out "included within the Schedule to this Act and" in the fourth line.

(3) Subsection 24(4) of Chapter 1 is amended by striking out "those" in the third line and substituting "its list of arbitral".

71 Subsection 25(1) of Chapter 1 is amended by

(a) striking out "either" in the third line;

(b) striking out "arbitral" in the first line of subclause (b)(i);

(c) striking out "within the meaning of the Schedule to this Act to refer to an arbitration board" in the last three lines of subclause (b)(i) and substituting "that are in dispute"; and

(d) striking out "arbitral items" in the first line of subclause (b)(ii) and substituting "terms and conditions of employment".

72 (1) Subsection 26(1) of Chapter 1 is repealed and the following subsections substituted:

(1) Where the Board agrees to establish an arbitration board, the Board shall notify the parties to the dispute in writing accordingly and require each of them, within ten days, to

(a) where the arbitration board is to be composed of one person, attempt to agree upon a person satisfactory to both parties to be the arbitration board and, where agreement is reached, give the Board the name of the person; or

(b) where the arbitration board is to be composed of three persons, give the Board and the other party the name of a person to act as its nominee on the arbitration board.

(1A) Where agreement is reached pursuant to clause (1)(a), the person agreed upon is appointed as the arbitration board and is the chair of the arbitration board.

(2) Subsection 26(2) of Chapter 1 is amended by adding "pursuant to clause 26(1)(b)" immediately after "appointed" in the first line.

73 (1) Subsection 27(1) of Chapter 1 is renumbered as subsection "(1A)" and the following subsection added immediately before that subsection:

(1) Where the parties are unable to agree upon a person to be the arbitration board, pursuant to clause 26(1)(a), either or both parties may apply to the Board to appoint a person to be the arbitration board and the Board shall appoint such a person and that person is the chair of the arbitration board.

(2) Subsection (1) of Chapter 1, renumbered as subsection (1A), is amended by adding "pursuant to clause 26(1)(b)" immediately after "board," in the second line.

(3) Subsection 27(2) of Chapter 1 is amended by

(a) adding "pursuant to clause 26(1)(b)" immediately after "board" in the second line; and

(b) adding "of the arbitration board" immediately after "chair" in the third line.

74 (1) Subsection 28(1) Chapter 1 is amended by

(a) striking out "three" in the first line and substituting "a person or";

(b) striking out "are" in the first line and substituting "have been";

(c) adding "a member or" immediately after "as" in the first line;

(d) adding "of the arbitration board" immediately after "chair" in the third line; and

(e) adding "member or" immediately after "the" in the first line of clause (a).

(2) Subsection 28(4) of Chapter 1 is amended by adding "to a three-person arbitration board" immediately after "appointed" in the first line.

(3) Subsection 28(5) of Chapter 1 is amended by adding "of the arbitration board" immediately after "chair" in the fifth line.

75 Section 32 of Chapter 1 is amended by adding "(1)" immediately after the Section number and adding the following subsection:

(2) An arbitration board established pursuant to this Act has, in relation to any proceedings before the arbitration board, the powers conferred on the Board, in relation to any proceedings before the Board, by the Labour Board Act, and the parties to the proceedings may

(a) appear and be heard and be represented by counsel; and

(b) call witnesses and examine or cross-examine all witnesses.

76 (1) Subsection 33(3) of Chapter 1 is repealed and the following subsection substituted:

(3) Where a one-person arbitration board has been appointed pursuant to this Act, the decision of the chair of the arbitration board is the decision of the arbitration board and, where a three-person arbitration board has been appointed pursuant to this Act, the decision of the majority of the members of the arbitration board is the decision of the board but, where there is no majority, the decision of the chair of the arbitration board is the decision of the board.

(2) Subsection 33(4) of Chapter 1 is amended by adding "of the arbitration board" after "chair" in the last line.

(3) Subsection 33(7) of Chapter 1 is repealed and the following subsection substituted:

(7) The cost of the arbitration board shall be apportioned as follows:

(a) where a three-person arbitration board has been established,

(i) the Union shall pay the remuneration and expenses of the member appointed by it pursuant to Section 26,

(ii) the Employer shall pay the remuneration and expenses of the member appointed by it pursuant to Section 26, and

(iii) the Employer and the Union shall share equally the remuneration and expenses of the chair of the arbitration board appointed pursuant to Section 26 or 27, such remuneration and expenses to be determined by the Board; or

(b) where a one-person arbitration board has been established, the Employer and the Union shall each pay one half of the remuneration and expenses of the arbitration board.

77 (1) Subsection 36(2) of Chapter 1 is amended by striking out "Board" in the last line and substituting "Minister".

(2) Subsection 36(3) of Chapter 1 is amended by striking out "Board" in the last line and substituting "Minister".

78 (1) Subsection 37(1) of Chapter 1 is amended by striking out "Board" in the second line and substituting "Minister".



(2) Subsection 37(2) of Chapter 1 is amended by striking out "Board" in the fifth line and substituting "Minister".

(3) Subsection 37(3) of Chapter 1 is amended by striking out "Board" in the third line and substituting "Minister".

(4) Subsection 37(4) of Chapter 1 is amended by striking out "Board" in the second line and substituting "Minister".

(5) Subsection 37(5) of Chapter 1 is amended by adding "of the adjudication board" immediately after "chair" in the last line.

(6) Subsection 37(6) of Chapter 1 is amended by adding "of the adjudication board" immediately after "chair" in the third line.

(7) Clause 37(7)(c) of Chapter 1 is amended by

(a) adding "of the adjudication board" immediately after "chair" in the third line; and

(b) striking out "Board" in the last line and substituting "Minister".

79 Subsection 39A(2) of Chapter 1, as enacted by Chapter 29 of the Acts of 2009, is amended by striking out "Board" in the third line and substituting "Minister".

80 Subsection 45(1), Section 47 and the Schedule to Chapter 1 are repealed.

81 Section 2 of Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, as amended by Chapter 14 of the Acts of 1991, Chapter 7 of the Acts of 2003 (Second Session) and Chapter 10 of the Acts of 2006, is further amended by

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

(aa) "Board" means the Labour Board established under the Labour Board Act;

(b) adding "and Workforce Development" immediately after "Labour" in the first line of clause (l); and

(c) striking out clause (s).

82 Section 3 of Chapter 246 is amended by adding "and Workforce Development" immediately after "Labour" in the first line.

83 Section 7 of Chapter 246, as amended by Chapter 14 of the Acts of 1991, Chapter 4 of the Acts of 2003 (Second Session), Chapters 10 and 13 of the Acts of 2006 and Chapter 18 of the Acts of 2009, is further amended by

(a) relettering clause (bi) as clause (bh);

(b) adding immediately after clause (bi), relettered as clause (bh), the following clause:

(bi) prescribing fees and charges to recover the cost of services pursuant to this Act;

and

(c) striking out clause (g) and substituting the following clause:

(g) establish the amount, terms and conditions, and administration and management of any payment or bond required by the Board under Section 84;

84 Section 11 of Chapter 246, as amended by Chapter 14 of the Acts of 1991, is further amended by striking out "Tribunal" in the first and second and in the fifth lines and substituting in each case "Board".

85 Section 13 of Chapter 246 is repealed.

86 (1) Subsections 17(1) to (4) of Chapter 246 are repealed.

(2) Subsection 17(5) of Chapter 246 is repealed and the following subsection substituted:

(5) The Board is constituted under this Act and shall act as a panel of the Board consisting of the Chair or a vice-chair, as the chair of a panel, and two other members of the Board equally representative of employees and employers.

(3) Section 17 of Chapter 246 is further amended by adding immediately after subsection (5) the following subsections:

(5A) Notwithstanding subsection (5), where the parties to the proceeding consent, the Chairman or the Vice-chairman shall act as a panel consisting of the Chairman or the Vice-chairman, sitting alone, as chair of the panel.

(5B) Notwithstanding subsection (5), a panel under subsection (5A) is a quorum.

(4) Subsection 17(5A) of Chapter 246, as enacted by this Act, is amended by

(a) striking out "Chairman" wherever it appears and substituting in each case "chair"; and

(b) striking out "Vice-Chairman" wherever it appears and substituting in each case "Vice-chair".

(5) Subsection 17(6) of Chapter 246 is repealed and the following subsection substituted:

(6) Where a panel of the Tribunal consists of more than one person, a decision of the majority of the members of the Tribunal is the decision of the Tribunal but, where a panel consists of the Chairman or the Vice-chairman alone, the decision of the chair of the panel is the decision of the panel.

(6) Subsection 17(6) of Chapter 246, as enacted by this Act, is amended by

(a) striking out "Tribunal" wherever it appears and substituting in each case "Board";

(b) striking out "Chairman" and substituting "Chair"; and

(c) striking out "Vice-Chairman" and substituting "Vice-chair".

87 Sections 18 and 19 of Chapter 246 are repealed.

88 (1) Subsection 20(1) of Chapter 246 is amended by striking out "Tribunal" in the first, in the third last and in the second last lines and substituting in each "Board".

(2) Subsection 20(2) of Chapter 246 is amended by

(a) striking out "Tribunal" in the second line and substituting "Board"; and

(b) striking out "Appeal Division of the Supreme Court" in the third and fourth lines and substituting "Nova Scotia Court of Appeal".

(3) Subsection 20(3) of Chapter 246 is amended by striking out "Trial Division of the Supreme Court" in the last line and substituting "Supreme Court of Nova Scotia".

(4) Subsection 20(4) of Chapter 246 is amended by

(a) striking out "Tribunal" in the first and in the last lines and substituting in each case "Board"; and

(b) striking out "Appeal Division of the Supreme Court" in the second and third lines and substituting "Nova Scotia Court of Appeal".

(5) Subsection 20(5) of Chapter 246 is amended by

(a) striking out "Appeal Division of the Supreme Court" in the first line and substituting "Nova Scotia Court of Appeal"; and

(b) striking out "Tribunal" in the third line and substituting "Board".

89 (1) Subsection 21(3) of Chapter 246, as amended by Chapter 14 of the Acts of 1991 and Chapter 7 of the Acts of 2003 (Second Session), is further amended by striking out "Tribunal" in the second last line and substituting "Board".

(2) Subsection 21(4) of Chapter 246 is amended by striking out "Tribunal" in the last line and substituting "Board".

(3) Subsection 21(5) of Chapter 246 is amended by striking out "Tribunal" in the fourth and in the last lines and substituting in each case "Board".

(4) Subsection 21(6) of Chapter 246 is amended by striking out "Tribunal" in the first and second lines and substituting "Board".

(5) Subsection 21(7) of Chapter 246 is amended by striking out "Tribunal" in the fifth line and substituting "Board".

(6) Subsection 21(9) of Chapter 246 is amended by striking out "Tribunal" in the last line and substituting "Board".

(7) Subsection 21(10) of Chapter 246 is amended by striking out "Tribunal" in the last line and substituting "Board".

90 Section 22 of Chapter 246 is amended by

(a) striking out "Tribunal" in the first line and in the first and in the second lines of clause (d) and substituting in each case "Board"; and

(b) striking out ", who shall have carriage of the matter" in the first and second lines of clause (a).

91 (1) Subsection 23(1) of Chapter 246 is amended by striking out "Tribunal" in the sixth line and substituting "Board".

(2) Subsection 23(2) of Chapter 246 is amended by striking out "Tribunal" in the first line and substituting "Board".

(3) Subsection 23(3) of Chapter 246 is amended by striking out "Tribunal" in the first line and both times it appears in the second line of clause (c) and substituting in each case "Board".

(4) Subsection 23(4) of Chapter 246, as enacted by Chapter 6 of the Acts of 2004, is amended by striking out "Tribunal" in the first line and substituting "Board".

92 (1) Section 24 of Chapter 246 is repealed and the following Section substituted:

24 In any proceeding leading to an order or decision, the Tribunal may, in its discretion, conduct an oral hearing or a hearing through written submissions and evidence, without receiving oral testimony.

(2) Section 24 of Chapter 246, as enacted by this Act, is amended by striking out "Tribunal" and substituting "Board".

93 Section 25 of Chapter 246 is amended by

(a) adding "pursuant to this Act" immediately after "hearings" in the first line; and

(b) striking out "Tribunal" in the second and in the eighth lines and substituting in each case "Board".

94 (1) Subsection 26(1) of Chapter 246 is amended by striking out "Tribunal" in the first line and substituting "Board".

(2) Subsection 26(2) of Chapter 246, as amended by Chapter 7 of the Acts of 2003 (Second Session), is further amended by striking out "Tribunal" wherever it appears and substituting in each case "Board".

95 Section 27 of Chapter 246 is amended by

(a) striking out "All oral evidence received by the Tribunal shall be recorded in writing and together with" in the first and second lines and substituting "The record of a hearing before the Tribunal must include";

(b) adding immediately after clause (c) the following clause:

(ca) all documentary evidence filed with the Tribunal;

(c) striking out the comma at the end of clause (e) and substituting a period;

(d) striking out "forms the record." in the last line;

(e) striking out "Tribunal" in the first and second lines, as amended by this Act, and substituting "Board under this Act"; and

(f) striking out "Tribunal" in the last line of clause (c), in the first line of clause (ca), as enacted by this Act, and in the last line of clause (d) and substituting in each case "Board".

96 Subsection 31(2) of Chapter 246 is amended by striking out "Tribunal" in the third line and substituting "Board".

97 Subsection 43(3) of Chapter 246 is amended by striking out "Tribunal" in the third line and substituting "Board".

98 Subsection 56(3) of Chapter 246 is amended by striking out "Tribunal" in the third line and substituting "Board".

99 Subsection 60(3) of Chapter 246 is amended by striking out "Tribunal" in the third line and substituting "Board".

100 Subsection 60D(2) of Chapter 246, as enacted by Chapter 14 of the Acts of 1991, is amended by striking out "Tribunal" in the third line and substituting "Board".

101 Subsection 67(2) of Chapter 246 is amended by striking out "Tribunal" in the third line and substituting "Board".

102 Subsection 70(2) of Chapter 246 is amended by striking out "Tribunal" in the third line and substituting "Board".

103 Subsection 71(3) of Chapter 246 is amended by striking out "Tribunal" in the third line and substituting "Board".

104 Subsection 78(3) of Chapter 246 is amended by striking out "Tribunal" in the third line and substituting "Board".

105 (1) Subsection 83(1) of Chapter 246 is amended by striking out "Tribunal" in the third line and substituting "Board".

(2) Subsection 83(2) of Chapter 246 is amended by striking out "Tribunal" in the fourth line and substituting "Board".

(3) Subsection 83(3) of Chapter 246, as enacted by Chapter 14 of the Acts of 1991, is amended by

(a) striking out "Tribunal" in the first and in the last lines and substituting in each case "Board"; and

(b) adding "pursuant to this Act" immediately after "application" in the last line.

106 (1) Subsection 84(1) of Chapter 246 is repealed and the following subsection substituted:



(1) Before proceeding to deal with an appeal by an employer under subsection (5) of Section 21, the employer shall

(a) pay to the Board the lesser of the amount owing under the Director's order or the amount that is prescribed by the regulations; or

(b) furnish, to the Board, security in the form of a bond with one or more sureties acceptable to the Board in such amount and subject to such conditions as may be prescribed by regulations.

(2) Subsection 84(2) of Chapter 246 is amended by

(a) adding "paid to the Board the amount owing under clause (a), or has" immediately after "has" in the first line;

(b) striking out "Tribunal" in the second line and substituting "Board"; and

(c) adding "the amount paid to the Board or" immediately after "apply" in the fifth line.

(3) Subsection 84(3) of Chapter 246 is amended by

(a) striking out "Tribunal" in the first and in the sixth lines and substituting in each case "Board";

(b) adding "amount paid to the Board or the" immediately before "proceeds" in the fifth line; and

(c) adding "to the employer or" immediately after "Tribunal" in the sixth line.

107 (1) Subsection 85(1) of Chapter 246 is amended by striking out "Tribunal" in the tenth line and substituting "Board".

(2) Subsection 85(3A) of Chapter 246, as enacted by Chapter 14 of the Acts of 1991, is amended by striking out "Tribunal" in the last line of clause (a), in the third line of clause (c) and in the last line of clause (d) and substituting in each case "Board".

(3) Subsection 85(4) of Chapter 246 is amended by striking out "Tribunal" in the second and in the fifth lines and substituting in each case "Board".

(4) Subsection 85(5) of Chapter 246 is amended by striking out "Tribunal" in the first and second lines, in the last line of subclause (b)(i), in the first line of subclause (b)(ii) and in the fourth last line and substituting in each case "Board".

108 (1) Subsection 87(1) of Chapter 246 is amended by striking out "Tribunal" in the first line and in the second and third lines of clause (c) and substituting in each case "Board".

(2) Subsection 87(2) of Chapter 246 is amended by striking out "Tribunal" in the first and in the third lines and substituting in each case "Board".

(3) Subsection 87(3) of Chapter 246 is amended by striking out "Tribunal" in the second and in the fourth lines and substituting in each case "Board".

109 (1) Subsection 88(1) of Chapter 246 is amended by striking out "Tribunal" in the second, in the

third, in the fifth and in the sixth lines and substituting in each case "Board".

(2) Subsection 88(2) of Chapter 246 is amended by striking out "workmen" in the last line and substituting "workers".

(3) Subsection 88(3) of Chapter 246, as enacted by Chapter 6 of the Acts of 2001, is amended by striking out "tribunal" in the fourth and fifth lines and substituting "Board".

110 Subsection 89A(3) of Chapter 246, as enacted by Chapter 14 of the Acts of 1991, is amended by

(a) adding "of Nova Scotia" immediately after "Court" in the third last line; and

(b) striking out "Tribunal" in the second last line and substituting "Board".

111 (1) Subsection 90(1) of Chapter 246 is amended by striking out "Tribunal" in the last line and substituting "Board".

(2) Subsection 90(2) of Chapter 246 is amended by

(a) striking out "Tribunal" in the third line of clause (a) and in the first line of clause (b) and substituting in each case "Board"; and

(b) adding "of Nova Scotia" immediately after "Court" in the fourth last line.

(3) Subsection 90(4) of Chapter 246 is amended by

(a) striking out "Tribunal" in the first and second and in the ninth lines and substituting in each case "Board"; and

(b) adding "of Nova Scotia" immediately after "Court" in the second line.

112 Section 90A of Chapter 246, as enacted by Chapter 14 of the Acts of 1991, is amended by striking out "Tribunal" in the fourth and in the last lines and substituting in each case "Board".

113 Subsection 93(1) of Chapter 246, as enacted by Chapter 7 of the Acts of 2003 (Second Session), is amended by striking out "Tribunal" in the last line of clause (d) and in the last line of clause (f) and substituting in each case "Board".

114 Section 3 of Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act, as amended by Chapter 28 of the Acts of 2000, is amended by

(a) striking out clause (c) and substituting the following clause:

(c) "Board" means the Labour Board established under the Labour Board Act;

and

(b) striking out clause (r).

115 Subsection 67(1A) of Chapter 7, as enacted by Chapter 14 of the Acts of 2007, is amended by

striking out "an appeal panel" in the third line and substituting "the Board".

116 Clause 67A(1) of Chapter 7, as enacted by Chapter 24 of the Acts of 2009, is amended by

(a) adding "or decision" immediately after "order" in the first line; and

(b) striking out "an appeal panel" in the second line and substituting "the Board".

117 (1) Subsections 68(1) to (8) of Chapter 7 are repealed and the following subsections substituted:

(1) The Board is constituted under this Act and shall act as a panel of the Board consisting of the Chair or a vice-chair, as the chair of a panel, and two other members of the Board equally representative of employees and employers.

(2) Notwithstanding subsection (2), where the parties to the proceeding consent, the Chair or a vice-chair may be constituted and, where so constituted, shall act as a panel consisting of the Chair or the vice-chair, sitting alone, as chair of the panel.

(2) Subsection 68(9) of Chapter 7 is amended by striking out "an appeal panel" in the last line and substituting "the Board".

(3) Subsections 68(10) and (11) of Chapter 7 are repealed.

118 (1) Subsection 69(1) of Chapter 7, as amended by Chapter 14 of the Acts of 2007, is further amended by striking out "an appeal panel" in the third line and substituting "the Board".

(2) Subsection 69(5) of Chapter 7 is amended by

(a) striking out clause (a); and

(b) striking out "appeal panel" in the first line of clause (b) and substituting "Board".

(3) Subsection 69(6) of Chapter 7 is amended by striking out "An appeal panel" in the first line and substituting "The Board".

(4) Subsection 69(9) of Chapter 7 is amended by striking out "an appeal panel" in the first and second lines and substituting "the Board".

(5) Subsection 69(10) of Chapter 7 is amended by striking out "an appeal panel" in the first line and substituting "a panel of the Board constituted to hear a particular matter".

119 (1) Subsection 70(1) of Chapter 7 is amended by striking out "an appeal panel" in the first and in the second and third last lines and substituting in each case "the Board".

(2) Subsection 70(2) of Chapter 7 is amended by

(a) striking out "an appeal panel" in the first line and substituting "the Board"; and

(b) striking out "the appeal panel" in the first line of clause (b) and substituting "a panel of the Board is constituted".

120 Subsection 71(1) of Chapter 7 is amended by striking out "an appeal panel" in the second line and substituting "the Board".

121 (1) Subsection 72(1) of Chapter 7 is amended by striking out "an appeal panel" in the third line and substituting "the Board".

(2) Subsection 72(2) of Chapter 7 is amended by striking out "Labour Standards Tribunal" in the third line and substituting "Board pursuant to the Labour Standards Code".

(3) Subsection 72(3) of Chapter 7 is amended by

(a) striking out "Labour Standards Tribunal" in the second line and substituting "Board pursuant to the Labour Standards Code";

(b) striking out "Labour Standards Tribunal" in the endorsement and substituting "Labour Board"; and

(c) striking out "Labour Standards Tribunal" in the last two lines and substituting "Board".

(4) Subsection 72(4) of Chapter 7 is amended by striking out "Labour Standards Tribunal" in the third and fourth lines and substituting "Board".

(5) Clause 72(5)(a) of Chapter 7 is amended by striking out "an appeal panel" in the third line and substituting "the Board".

(6) Subsection 72(6) of Chapter 7 is amended by

(a) striking out "Labour Standards Tribunal" in the first and second lines and substituting "Board pursuant to the Labour Standards Code"; and

(b) striking out "Labour Standards Tribunal" in the third and fourth lines and substituting "Board".

(7) Subsection 72(7) of Chapter 7 is amended by

(a) striking out "an appeal panel" in the fifth line and substituting "the Board"; and

(b) striking out "Labour Standards Tribunal" in the seventh line and substituting "Board".

(8) Subsection 72(8) of Chapter 7 is amended by

(a) striking out "Labour Standards Tribunal" in the second line and substituting "Board pursuant to the Labour Standards Code"; and

(b) striking out "Labour Standards Tribunal" in the fourth and in the fifth lines and substituting in each case "Board".

122 Section 78 of Chapter 7, as amended by Chapter 14 of the Acts of 2007, is further amended by striking out "an appeal panel" in the second and in the second and third lines and substituting in each case "the Board".

123 Clause 82(2)(e) of Chapter 7, as amended by Chapter 14 of the Acts of 2007, is further is amended



by striking out "an appeal panel" in the second line and substituting "the Board".

124 Section 2 of Chapter 460 of the Revised Statutes, 1989, the Teachers' Collective Bargaining Act, as amended by Chapter 1 of the Acts of 1995-96 and Chapter 20 of the Acts of 2001, is further amended by

(a) striking out clause (b) and substituting the following clause:

(b) "Board" means the Labour Relations and Employment Board;

(b) adding "and Workforce Development" immediately after "Labour" in the first line of clause (k); and

(c) striking out "Advanced Education and Job Training" in the last two lines of clause (o) and substituting "Education".

125 Section 3 of Chapter 460 is amended by adding "and the Labour Board Act" immediately after "Act" in the second line.

126 Clause 4(b) of Chapter 460 is repealed.

127 Section 8 of Chapter 460 is amended by adding "and Workforce Development" after "Labour" in the third line.

128 Subsection 28(3) of Chapter 460 is amended by striking out "Advanced Education and Job Training" in the second line and in the first and second lines of clause (b) and substituting in each case "Education".

129 Subsection 29(2) of Chapter 460 is amended by adding "and Workforce Development" immediately after "Labour" in the fifteenth line.

130 Clause 30(b) of Chapter 460 is amended by striking out "subsections (7) and (8) of Section 16 of" in the last two lines and substituting "the Labour Board Act and".

131 (1) Subsection 38(3) of Chapter 460 is amended by adding "and Workforce Development" immediately after "Labour" in the fourth line.

(2) Subsection 38(4) of Chapter 460 is amended by adding "and Workforce Development" immediately after "Labour" in the first line.

132 Chapter 475 of the Revised Statutes, 1989, the Trade Union Act, is amended by adding immediately after the title the following preamble:

WHEREAS the Government of Nova Scotia is committed to the development and maintenance of labour legislation and policy designed for the promotion of common well-being through the encouragement of free collective bargaining and the constructive settlement of disputes;

AND WHEREAS Nova Scotia employees, labour organizations and employers recognize and support freedom of association and free collective bargaining as the bases of effective labour relations for the determination of good working conditions and sound labour-management relations in the public and private sectors of Nova Scotia;



AND WHEREAS the Government of Nova Scotia desires to continue, and extend, its support to labour and management in their co-operative efforts to develop good relations and constructive collective bargaining practices, and deems the development of good labour relations to be in the best interests of Nova Scotia;

133 Subsection 2(1) of Chapter 475 is amended by

(a) striking out clause (b) and substituting the following clause:

(b) "Board" means the Labour Board established under the Labour Board Act.

(b) adding "and Workforce Development" immediately after "Labour" in the last line of clause (q); and

(c) striking out clause (r).

134 Section 4 of Chapter 475, as amended by Chapter 61 of the Acts of 2005, is further amended by adding immediately after subsection (3) the following subsection:

(3A) Notwithstanding subsection (1), Section 31 applies to Her Majesty in right of the Province and employees of Her Majesty except persons to whom the Teachers' Collective Bargaining Act applies.

135 Chapter 475 is further amended by adding immediately after Section 4 the following heading and Sections:

#### LABOUR-MANAGEMENT REVIEW COMMITTEE

4A (1) The Minister shall establish a Labour-management Review Committee whose purpose is to improve labour relations and collective bargaining in the Province.

(2) The Committee is composed of not more than ten members representing in equal numbers unionized labour and employers, all of whom are appointed by the Minister.

(3) Members of the Committee shall be appointed for a three-year term and may be re-appointed, but may not serve more than two consecutive terms.

(4) After serving two consecutive terms, a person is eligible to be re-appointed to the Committee no sooner than three years following the expiry of the person's last term as a member.

4B Persons appointed to the Committee shall be paid expenses incurred by them in the course of carrying out their duties as members of the Committee, plus remuneration as is determined by the Minister.

4C The Minister shall select two co-chairs of the Committee, one of whom represents unionized labour and one of whom represents unionized employers.

4D A quorum of the Committee consists of a majority of members representing unionized labour and a majority of members representing unionized employers.

4E The function of the Committee is to



(a) review, report on and make recommendations to the Minister on labour-relations issues on an ongoing basis; and

(b) where directed by the Minister, conduct a review of this Act and other labour-relations statutes or any part of them.

4F Each year the Committee shall submit to the Minister an annual report concerning its activities during the previous fiscal year.

136 Section 16 of Chapter 475 is repealed and the following subsections substituted:

(1) The Board shall be constituted and shall act as a panel of the Board consisting of the Chair or a vice-chair, as the chair of a panel, and two other members of the Board equally representative of employees and employers.

(2) Notwithstanding subsection (1), the Chair of the Board or a vice-chair of the Board may sit alone to hear a matter with respect to

(a) an uncontested application or question; or

(b) a complaint under subsection (3) of Section 54A,

and, when doing so, may exercise all the powers of the Board.

(3) Upon application for an interim order pursuant to Section 51 or Section 52 and in any case where a hearing is not requested, where the Chair deems it appropriate, the Board may deal with any matter by each member conferring separately with the Chief Executive Officer and each deciding the matter without first giving an opportunity to the interested parties to present evidence and make representation.

137 Section 17 of Chapter 475 is repealed.

138 Section 18 of Chapter 475 is repealed and the following Section substituted:

18 The Board, with the approval of the Governor in Council, may make regulations prescribing fees and charges to recover the cost of services pursuant to this Act.

139 Section 22 of Chapter 475 is repealed.

140 Subsection 30(4) of Chapter 475 is amended by striking out "or the Panel, as the case may be," in the fourth line.

141 Subsection 42(2) of Chapter 475 is amended by adding "and Workforce Development" immediately after "Labour" in the fifteenth line.

142 Subsection 52AA(4) of Chapter 475 is repealed.

143 Clause 52F(1)(b) of Chapter 475, as enacted by Chapter 47 of the Acts of 2004, is amended by striking out "by subsections (7) and (8) of Section 16" in the last line.

144 Section 92 of Chapter 475, as amended by Chapter 35 of the Acts of 1994, is further amended by striking out "Panel" in the second line of clause (b) and in the last line of subclause (h)(iv) and substituting in each case "Board".

145 Section 94 of Chapter 475 is repealed and the following Section substituted:

94 (1) When a question arises as to whether a matter is a matter relating to the construction industry, the question must be finally determined by the Board.

(2) Upon application for an interim order pursuant to Section 51 or 52 or for certification pursuant to Section 95 and in any case where a hearing is not requested, where the Chair deems it appropriate, the Board may deal with any matter by each member conferring separately with the Chief Executive Officer and each deciding the matter without first giving an opportunity to the interested parties to present evidence and make representation.

146 (1) Subsection 95(1) of Chapter 475 is amended by striking out "Panel" in the fifth and in the seventh lines and substituting in each case "Board".

(2) Subsection 95(2) of Chapter 475 is amended by striking out "Panel" in the third line and substituting "Board".

(3) Subsection 95(3) of Chapter 475 is amended by striking out "Panel" in the third and fifth lines and in the first line of clause (a), the first line of clause (b) and in the first line of clause (c) and substituting in each case "Board".

(4) Subsection 95(5) of Chapter 475 is amended by striking out "Panel" in the third line and substituting "Board".

(5) Subsection 95(6) of Chapter 475 is amended by striking out "Panel" in the first and in the third lines and substituting in each case "Board".

(6) Subsection 95(7) of Chapter 475 is amended by striking out "Panel" in the first, in the third and in the last lines and substituting in each case "Board".

147 (1) Subsection 96(1) of Chapter 475 is amended by striking out "Panel" in the first and in the fourth lines and substituting in each case "Board".

(2) Subsection 96(2) of Chapter 475 is amended by striking out "Panel" in the sixth line and substituting "Board".

148 (1) Subsection 97(1) of Chapter 475 is amended by striking out "Panel" in the fourth and in the fifth lines and substituting in each case "Board".

(2) Subsection 97(2) of Chapter 475 is amended by striking out "Panel" in the fourth line and substituting "Board".

(3) Subsection 97(3) of Chapter 475 is amended by striking out "Panel" in the second and in the third last lines and substituting in each case "Board".

(4) Subsection 97(4) of Chapter 475 is amended by striking out "Panel" in the first line and substituting

"Board".

(5) Subsection 97(5) of Chapter 475 is amended by striking out "Panel" in the first line and substituting "Board".

(6) Subsection 97(6) of Chapter 475 is amended by striking out "Panel" in the fifth and in the last lines and substituting in each case "Board".

(7) Subsection 97(7) of Chapter 475 is amended by striking out "Panel" in the first and in the last lines and substituting in each case "Board".

(8) Subsection 97(8) of Chapter 475 is amended by striking out "Panel" in the first and in the second lines and substituting in each case "Board".

(9) Subsection 97(9) of Chapter 475 is amended by striking out "Panel" in the first, in the third and in the sixth lines and substituting in each case "Board".

149 Subsection 98(8) of Chapter 47, as enacted by Chapter 35 of the Acts of 1994, is amended by striking out "Panel" both times it appears in the seventh, in the tenth and in the eleventh lines and substituting in each case "Board".

150 Chapter 475 is further amended by adding immediately after Section 98 the following Section:

98A (1) An accredited employers' organization may require an employer who is bound by a collective agreement entered into by the accredited employers' organization or on whose behalf the accredited employers' organization bargains collectively to pay dues to the accredited employers' organization if the dues

(a) are uniformly required to be paid by all members to the accredited employers' organization; and

(b) are reasonably related to the services performed by the accredited employers' organization in respect of its duties under this Act.

(2) A collective agreement may include terms and conditions requiring an employer to pay the dues referred to subsection (1).

(3) Where an employer fails to pay the dues required under subsection (1), the dues are a debt payable by the employer to the registered employers' organization and may be collected by civil action.

(4) Where an employer is required by the terms and conditions of a collective agreement to pay the dues referred to in subsection (1), any dispute or difference relating to or involving the dues must be resolved in accordance with Section 107 of the Act notwithstanding any arbitration or arbitration procedure provided for in the collective agreement.

(5) This Section does not restrict the ability of an accredited employers' organization to establish and collect periodic dues, assessments and initiation fees from its members in addition to the dues referred to in subsection (1).

151 Subsection 99(2) of Chapter 475 is amended by

- (a) striking out "Panel" in the second and in the fourth lines and substituting in each case "Board";
- (b) striking out "in" in the third line and substituting "on"; and
- (c) adding "accredited" immediately after "an" in the third line.

152 (1) Subsection 101(1) of Chapter 475 is amended by striking out "Panel" in the third line substituting "Board".

(2) Subsection 101(2) of Chapter 475 is amended by striking out "Panel" in the second line and in the sixth and in the last line of clause (c) and substituting in each case "Board".

(3) Subsection 101(3) of Chapter 475 is amended by striking out "Panel" in the first and in the second last lines and substituting in each case "Board".

(4) Subsection 101(4) of Chapter 475 is amended by striking out "Panel" in the second and in the fourth lines and substituting in each case "Board".

(5) Subsection 101(5) of Chapter 475 is amended by striking out "Panel" in the first line and substituting "Board".

153 Clause 103(1)(b) of Chapter 475 is amended by striking out "Panel" in the second line and substituting "Board".

154 The Schedule to Chapter 475 is repealed.

155 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.



---

This page and its contents published by the Office of the Legislative Counsel, Nova Scotia House of Assembly, and © 2010 Crown in right of Nova Scotia. Created November 19, 2010. Send comments to [legc.office@gov.ns.ca](mailto:legc.office@gov.ns.ca).