

DEFEATED

**Bill #102  
Trade Union Act (amended)**

CHANGE RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE

**PAGE 1, Clause 2, proposed subsection 38(3),**

- (a) **clause (a)** - delete and substitute the following clause:
  - (a) is satisfied that one or both of the parties has bargained in bad faith;  
and
- (b) **line 9** - delete "ninety" and substitute "one hundred";
- (c) **line 9** - delete "twenty" and substitute "eighty";
- (d) **line 11** - delete ", after making reasonable efforts,";
- (e) **line 12** - add "because one or both of the parties has bargained in bad faith" immediately after "agreement".

**PAGES 1 and 2, Clause 3, proposed subsection 40A(1),**

- (a) **clause (b), line 3** - delete "twenty" and substitute "eighty";
- (b) **clause (c), line 1** - delete "ninety" and substitute "one hundred".

**PAGE 2, Clause 3, proposed Section 40A - add the following proposed subsection:**

(3) Notwithstanding any other provision in this Act, where an application is made under subsection (1), the Board may, at any time before the settling of the provisions of a first collective agreement under this Section, require that the parties resume collective bargaining.

**PAGE 2, Clause 3, proposed subsections 40A(3) to (10) - renumber as (4) to (11).**

**PAGE 2, Clause 3, proposed subsection 40A(5) (renumbered as (6)),**

- (a) **clauses (a) and (b)** - delete and substitute the following clauses:
  - (a) dismiss that application and require that the parties resume collective bargaining; or
  - (b) where the Board is satisfied that one or both of the parties has bargained in bad faith,
    - (i) settle the provisions of a first collective agreement between the parties, or
    - (ii) notify the parties in writing that, in the opinion of the Board, the parties might possibly, either through their own endeavours or with the assistance of the conciliation officer, conclude a first collective agreement within ninety days after the date of the notice under this clause and that therefore the

Board declines to settle the provisions of a first collective agreement between the parties.

**PAGE 2, Clause 3, proposed subsection 40A(6) (renumbered as (7)),**

(a) **lines 1 and 2** - delete "clause (b) of subsection (5)" and substitute "subclause (ii) of clause (b) of subsection (6)";

(b) **line 3** - delete "thirty" each time it appears and substitute in each case "ninety".

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