

LABOUR AND EMPLOYMENT NEWSLETTER



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AMENDMENTS TO LABOUR RELATIONS ACT NOW LAW

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Amendments to the *Labour Relations Act, 1995*, that were introduced in late 2004, including the reintroduction of automatic certification, have now become law. Bill 144, the *Labour Relations Statute Law Amendment Act, 2005*, received Royal Assent on June 13, 2005.

In the November 4th, 2004, Labour and Employment Communiqué, the proposed amendments were summarized. The most notable changes to the *Labour Relations Act, 1995* ("Act") include the following:

- Restoring to the Ontario Labour Relations Board ("Board") the power to automatically certify a union where an employer breaches the Act during an organizing campaign;
- Granting to the Board the power to dismiss a certification application where a trade union breaches the Act during an organizing campaign. Where the Board dismisses an application in this manner, it shall not consider another application for certification by that union for that bargaining unit for one year;
- Granting to the Board the power to reinstate employees who have been terminated during a union organizing campaign because of their efforts to organize;
- Reinstating a card-based certification system for construction industry employers only, with automatic certification to occur if a union signs up more than 55 per cent of the employees in the bargaining unit;
- Repealing the requirement for employers to post decertification information in all unionized workplaces; and
- Repealing the requirement for a union to disclose the name, salary and benefits of all directors, officers and employees earning \$100,000 or more per year.

These new changes will have significant implications for union-employer relations, particularly due to the broadening of the Board's remedial powers.

Please contact a member of Miller Thomson's Labour and Employment Group to discuss how these changes will affect your workplace and business.

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Our Labour and Employment Practice Group is dedicated to providing comprehensive and integrated legal services, and advises management in all aspects of labour relations and employment law. For more information about our Group, visit our website at www.millerthomson.com or contact:

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