

# *The Labour- Management Dispute (Temporary Provisions) Act*

*Repealed*

by Chapter S-15.1 of the *Statutes of Saskatchewan, 2013*  
(effective April 29, 2014)

*Formerly*

Chapter L-0.1 of the *Statutes of Saskatchewan, 1981-82* (effective March 26, 1982; Part I and Schedules A and B effete) as amended by the *Statutes of Saskatchewan, 2005, c.20*.

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## CHAPTER L-0.1

### An Act respecting Temporary Provisions for Labour-Management Disputes

#### Short title

**1** This Act may be cited as *The Labour-Management Dispute (Temporary Provisions) Act*.

#### PART I

**2 to 12 Effete.** 1981-82, c.L-0.1, s.18.

#### PART II

#### Interpretation

**13** In this Part:

- (a) “**designated employee**” means an employee subject to an order;
- (b) “**designated employer**” means an employer subject to an order;
- (c) “**during an election**” or “**during the election**” means the period of time commencing on the day on which the writs of election for a general election are issued pursuant to *The Election Act, 1996* and ending on the eighth day following the return of the writs;
- (d) “**employee**” means an employee as defined in *The Trade Union Act*;
- (e) “**employer**” means an employer as defined in *The Trade Union Act*;
- (f) “**judge**” means a judge of Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (g) “**labour-management dispute**” means a labour-management dispute as defined in *The Trade Union Act*;
- (h) “**last collective bargaining agreement**” means a collective bargaining agreement, as defined in *The Trade Union Act*, last in effect between a designated employer and a trade union before the making of an order;
- (i) “**order**” means an order made under section 14;
- (j) “**trade union**” means a trade union, as defined in the *The Trade Union Act*, which represents designated employees; and
- (k) “**work stoppage**” means a strike, lock-out, work slow-down or a refusal or failure to perform the usual duties of employment.

LABOUR-MANAGEMENT DISPUTE  
(TEMPORARY PROVISIONS)

**c. L-0.1**

**Order of Lieutenant Governor in Council**

**14(1)** During an election, where, in the opinion of the Lieutenant Governor in Council, a labour-management dispute creates a situation:

- (a) of pressing public importance; or
- (b) that endangers or may endanger the health or safety of any person in the province;

he may order that, on and from a date to be specified in the order and during the election:

- (c) the employees involved in the labour-management dispute shall continue or resume the duties of their employment with their employer; and
- (d) the employer involved in the labour-management dispute shall permit his employees to continue or resume their employment;

in accordance with the terms of the last collective bargaining agreement.

(2) Where an order is made:

- (a) every person who, at the time of the issuance of the order, is authorized on behalf of a trade union to bargain collectively with a designated employer shall, immediately upon the issuance of the order, give notice to the designated employees on whose behalf he is authorized to bargain collectively that any declaration, authorization or direction to participate in a work stoppage, declared, authorized or given to them is invalid;
- (b) during the election:
  - (i) no designated employer shall declare or cause a work stoppage;
  - (ii) no officer or representative of a trade union shall declare, authorize or direct a work stoppage of any designated employees against a designated employer; and
  - (iii) no designated employee shall participate in a work stoppage against a designated employer.

1981-82, c.L-0.1, s.14.

**Prohibitions**

**15(1)** No person shall in any manner impede or prevent, or attempt to impede or prevent, any designated employee from complying with an order.

(2) Neither a designated employer, nor any person acting on behalf of a designated employer, shall:

- (a) refuse to permit or authorize, or direct or authorize another person to refuse to permit or authorize, a designated employee to resume the duties of his employment as required by an order; or
- (b) discharge or in any manner discipline, or direct or authorize another person to discharge or in any manner discipline, a designated employee for the reason that the designated employee participated in a work stoppage prior to the issuance of an order.

1981-82, c.L-0.1, s.15.

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**Extension of collective bargaining agreement**

**16** Notwithstanding any other Act or law or any provision of the last collective bargaining agreement to the contrary, on the issuance of an order the term of the collective bargaining agreement is extended to include the period during the election, and the terms and conditions of the last collective bargaining agreement remain in effect for that period.

1981-82, c.L-0.1, s.16.

**Offences and penalties**

**17(1)** Every person who contravenes this Part or an order is guilty of an offence and liable on summary conviction:

(a) in the case of an offence committed by a designated employer or a trade union, or by a person acting on behalf of a designated employer or a trade union, to a fine of not more than \$1,000, and, in the case of a continuing offence, to a further fine of \$200 for each day or part of a day during which the offence continues;

(b) in the case of an offence committed by any person other than one described in clause (a), to a fine of not more than \$100, and, in the case of a continuing offence, to a further fine of \$25 for each day or part of a day during which the offence continues.

(2) In the case of default of payment of a fine imposed on a person under this section, the convicting provincial court judge shall, upon request of the Attorney General, furnish him with a certified copy of the order of conviction and fine imposed, and, upon its filing in the office of the local registrar of the Court of Queen's Bench, it is enforceable as a judgment of that court.

(3) Where, on the application of a designated employer, a judge is satisfied that a designated employee of that designated employer has failed to comply with an order, the judge may direct that designated employee to resume his employment with the designated employer as required by the order.

(4) Where, on the application of a trade union or a designated employee who has attempted to comply with an order, a judge is satisfied that the designated employer of the designated employee has failed to comply with an order, the judge may direct the designated employer to permit the designated employee to resume his employment as required by the order.

1981-82, c.L-0.1, s.17.

**Coming into force**

**18(1)** This Act comes into force on the day of assent.

(2) Part I and Schedules A and B remain in force until the day on which:

(a) the arbitration is terminated pursuant to subsection 10(5); or

(b) a new or amended collective bargaining agreement is concluded pursuant to section 11.

1981-82, c.L-0.1, s.18.

SCHEDULES A and B

**Effete.** 1981-82, c.L-0.1, s.18.

