

MARCH 26

# Committee Approves Supreme Labor Court

## Report Would Outlaw Company-Ruled Unions; Says Employees May Choose Representatives

Creation of a labor court to function as a separate division of the Supreme Court of Ontario to handle the machinery of collective bargaining, is one of the major features of the recommendations made by the labor committee which recently concluded 12 days of public hearings. The report containing the recommendations in legislative, or draft bill form, was brought before the Legislature yesterday.

Company dominated unions are outlawed in the report which defines a collective bargaining agency as "any trade union or other association which has bargaining collectively among its objects, but shall not include any such union or association the administration, management or policy of which is dominated, coerced, improperly assisted or improperly influenced by the employer in any manner whether by way of financial aid or otherwise."

The report recommends that employees be permitted to bargain collectively with their employer through representatives of their own choosing, and for that purpose "may form, join, designate or assist any collective bargaining agency and participate in the administration thereof." An employer is defined as any person employing within the Province 15 or more persons.

### Responsibilities on Unions.

Certain responsibilities are placed on trade unions. One section provides that every collective bargaining agency which collects fees from its members, shall file with the Registrar of the Labor Court a true copy of its constitution, rules and by-laws, and the names and addresses of its officers. They must also file with the Labor Court at least once a year a financial statement.

The labor court is empowered, upon an application being made, to ascertain what unit of employees is appropriate for the purpose of collective bargaining and determine whether such unit shall be the employer unit, craft unit, plant unit or a subdivision of any one of them. It will be the function of the court to discover what collective bargaining agency, if any, represents a majority of the employees. The court also will set forth the terms upon which collective bargaining is granted.

The labor court may revoke any certification of a collective bargaining agency, inspect employment lists to find out what employees, including any person who in the opinion of the court was improperly discharged, are entitled to vote, and collect the records of a collective bargaining agency to ascertain the number of its members entitled to vote. The right of entry into the premises of any employer to learn such facts, is provided in the recommendations.

### Allow No Appeal.

There is no appeal from a decision of the labor court, another section declares. The court is given exclusive jurisdiction to examine into, hear and determine all matters and questions arising under the proposed bargaining act, including authority to construe an agreement. Other matters within the scope of the court concern the definition of "employer" and "employee" and the

power of the court itself to make rules and regulations for the better carrying out of the purposes of the act.

Section 27 of the report says: "The proceedings of the Labor Court may be held in camera and the Labor Court shall sit at such time and place as the judge of the court may from time to time direct."

No costs shall be payable in respect of proceedings before the court, and it is further provided that the court shall not be bound by precedent or by the technical rules of evidence.

Several sections of the report deal with the responsibilities of management in carrying out the provisions of collective bargaining. No employer shall fail or refuse to bargain collectively with the accredited representatives of a collective bargaining agency, it is declared, and the report sets out specifically that no discrimination must be used against an employee in any manner "whether by discharging him from employment or otherwise by reason of his membership in connection with a collective bargaining agency . . . no employer shall enter into any contract, any of the provisions of which bind an employee to forgo any rights provided by the act."

Coercion, intimidation, restraint or improper influence on any employee makes the employer subject to penalties under the act.

"Notwithstanding anything in this act, an employer may suspend, transfer, lay off or discharge any employee for proper and sufficient cause," the report declares.

In the sections dealing with penalties, it is provided that an initial offense against any provision makes the offender liable to a fine of \$50 and for a subsequent offense to a penalty not exceeding \$1,000. Where an employee has suffered loss through an offense committed by an employer, the person convicted may be ordered to reimburse the employee, in addition to paying a fine. Provision is also made for penalties in cases where an employer or a trade union refuses or fails to furnish or file with the labor court any information or document asked for by the court.