

## Amendments to Canada Labour Code re-introduced

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On November 6, 1997, the federal government re-introduced amendments to Part I of the *Canada Labour Code*, which deals with Industrial Relations. The amendments in Bill C-19 are essentially those that were contained in Bill C-66, which was introduced a year ago and was awaiting third reading in the Senate when the federal election was called (see ["Proposed amendments to the Canada Labour Code unveiled"](#) on our Publications page). The main differences between Bills C-66 and C-19 concern the wording in the provisions dealing with replacement workers and union access to off-site workers.

Readers will recall that, while there was no blanket prohibition against the use of replacement workers during a legal work stoppage, Bill C-66 provided that the revamped Canada Labour Relations Board could order an employer to stop using such workers where it determined that they were being used "for the purpose of undermining a trade union's representational capacity". This provision now reads "for the demonstrated purpose of undermining a trade union's representational capacity rather than the pursuit of legitimate bargaining objectives".

Bill C-66 also provided that the Board could order an employer to give the union names and addresses of employees who normally work outside the employer's premises, where the Board was of the opinion that such communication was required for the purposes of soliciting union membership, negotiating or administering the collective agreement, processing a grievance, or providing a trade union service to employees. As part of its order, the Board could direct the employer to allow the union to use any electronic communication system used by the employer to communicate with employees.

The wording of this provision has been changed in a number of ways. Now the Board may also order that the names and addresses of off-site employees be supplied to the Board, rather than to the union. This appears to be related to another new provision in the Bill, which empowers the Board itself to transmit the information the union wishes to communicate to off-site employees, where the Board "is of the opinion that the privacy and safety of affected employees cannot otherwise be protected".

While before, the Board could order that the union be allowed to use the employer's electronic communications system to communicate with off-site employees, the provision has now been clarified to provide that it is the *employer* who can be required to transmit the information that the union wishes to communicate. A further change to the off-site workers provisions is the addition of a statutory prohibition on the use of the workers' names and addresses for purposes inconsistent with those set out above. (For more recent developments, see ["Two federal labour bills now in force"](#) on our What's New page and ["Canada Labour Code amendments now law"](#) on our Publications page.)

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