

2003 Legislative Session: 4th Session, 37th Parliament

FIRST READING

---

The following electronic version is for informational purposes only.

The printed version remains the official version.

---

HONOURABLE GRAHAM BRUCE

MINISTER OF SKILLS DEVELOPMENT AND LABOUR

BILL 21 -- 2003

UNIVERSITY OF BRITISH COLUMBIA SERVICES CONTINUATION  
ACT

*Contents*

*Section*

- [1 Definitions](#)
- [2 Services continued](#)
- [3 Other rights not affected](#)
- [4 Collective bargaining restored](#)
- [5 Application of \*Labour Relations Code\*](#)
- [6 Power to make regulations](#)
- [7 Sunset provision](#)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

**Definitions**

1 In this Act:

"**employee**" means an employee of the employer who is a member of a bargaining unit represented by any of the trade unions;

"**employer**" means the University of British Columbia;

**"trade unions"** means

- (a) the Canadian Union of Public Employees, Local 2278,
- (b) the Canadian Union of Public Employees, Local 2950, and
- (c) any other trade union representing employees of the employer that is designated by regulation.

**Services continued**

2 (1) Despite the *Labour Relations Code*, the minister, by order, may impose a cooling-off period during which

- (a) an employer must not lock out or declare a lockout of any of its employees and must terminate any lockout,
- (b) a trade union and the employees represented by that union must not strike or declare a strike and must terminate any strike,
- (c) every employee must resume his or her duties and work schedules of employment with the employer,
- (d) any declaration, authorization or direction to go on strike given before or after the coming into force of this Act becomes invalid,
- (e) an officer or a representative of a trade union must not in any manner impede or prevent, or attempt to impede or prevent, any person to whom paragraphs (a) to (c) apply from complying with those paragraphs, and
- (f) the employer or a person acting on behalf of the employer must not
  - (i) refuse to permit any person to whom paragraphs (a) to (c) apply to continue or resume the ordinary duties of his or her employment, or
  - (ii) discharge or in any other manner discipline such a person by reason of the person having been locked out or having been on strike before the coming into force of this Act.

(2) The minister may impose one or more cooling-off periods under subsection (1) and may impose cooling-off periods with respect to any or all of the disputes between the employer and the trade unions.

(3) The last collective agreement in force between the employer and a trade union before the coming into force of this Act is extended and is deemed to be in effect for the period from the beginning of the cooling-off period until the first of the following occurs:

- (a) the employer and the trade union conclude a collective agreement;
- (b) the end of the cooling-off period.

**Other rights not affected**

3 Nothing in this Act affects the right of the employer to suspend, transfer, lay off, discharge or discipline an employee in accordance with the last collective agreement in force before the coming into force of this Act.

**Collective bargaining restored**

4 Within 72 hours after the coming into force of this Act, the trade unions and the employer must continue or commence to bargain collectively in good faith and must make every reasonable effort to conclude collective agreements or renew or revise their last collective agreements.

**Application of *Labour Relations Code***

5 (1) The *Labour Relations Code* and the regulations made under it apply in respect of a matter to which this Act applies, but if there is a conflict or an inconsistency between

- (a) this Act, and
  - (b) the *Labour Relations Code* or the regulations made under it,
- this Act applies.

(2) The Labour Relations Board has exclusive jurisdiction to decide a question arising under this Act, including any question of a conflict or an inconsistency referred to in subsection (1).

**Power to make regulations**

**6** The Lieutenant Governor in Council may make regulations designating trade unions for the purpose of the definition of "trade unions" in section 1.

**Sunset provision**

**7** This Act expires March 31, 2003.

### **Explanatory Note**

This Bill provides that the Minister of Skills Development and Labour may impose one or more cooling-off periods for the current strikes at the University of British Columbia. It also provides that the parties must resume collective bargaining and make every reasonable effort to conclude collective agreements.