

## CHAPTER 26

Labour Code of British Columbia  
Amendment Act, 1976

[Assented to 30th June, 1976.]

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

S.B.C.  
1978 (2nd  
Sess.)  
c. 122  
s. 1.

1. Section 1 (1) of the *Labour Code of British Columbia* is amended in the definition of "picket" or "picketing",
  - (a) by striking out "an employers' " and substituting "a person's",
  - (b) by striking out "employer's" and substituting "person's", and
  - (c) by striking out "employer" wherever it appears and substituting in each case "person".
- s. 57. 2. Section 57 (1) is amended by inserting "or 40" after "section 39".
- s. 73. 3. Section 73 (7) is amended
  - (a) by striking out "fire-fighters' union, policemen's union, or hospital union" and substituting "trade-union",
  - (b) in paragraph (a), by striking out "21" and substituting "40", and
  - (c) in paragraph (b), by striking out "described in subsection (6)".
- s. 81. 4. Section 81 is amended
  - (a) by repealing subsection (1) and substituting the following:
    - (1) No person shall declare or authorize a strike, and no employee shall strike, until after a vote has been taken by secret ballot and in accordance with the regulations, of the employees in the unit affected as to whether to strike or not to strike, and the majority of those employees who vote have voted in favour of a strike.
    - (2) Where, upon the application of a person directly affected by a strike vote or an impending strike, or on its own behalf, the board is satisfied that a vote has not been held in accordance with subsection (1) or the regulations, the board may make an order declaring that the vote is of no force or effect and directing that, if another vote is conducted, it shall be taken upon such terms as it considers necessary or advisable, and
  - (b) by renumbering the present subsection (2) as subsection (3).
- s. 82. 5. Section 82 is amended
  - (a) by repealing subsection (1) and substituting the following:

(1) Where more than one employer is engaged in the same dispute with their employees, no person shall declare or authorize a lockout, and no employer shall lock out his employees, until after a vote has been taken by secret ballot and in accordance with the regulations, of all employers as to whether to lock out or not to lock out and a majority of those employers who vote have voted in favour of a lockout.

(2) Where, upon the application of a person directly affected by a lockout vote or an impending lockout, or on its own behalf, the board is satisfied that a vote has not been held in accordance with subsection (1) or the regulations, the board may make an order declaring that the vote is of no force or effect and directing that, if another vote is conducted, it shall be taken upon such terms as the board considers necessary or advisable. , and

(b) by renumbering the present subsection (2) as subsection (3).

S. 86.

6. Section 86 is amended

- (a) by striking out "employers" and substituting "persons", and
- (b) by striking out "employer" and substituting "person".

S. 90.

Declaratory  
opinion.

7. Section 90 is repealed and the following substituted:

90. (1) Where, upon the complaint of any interested person, the board is satisfied that a declaration by or on behalf of a trade-union or employer, or an agreement or combination between one or more employers and one or more trade-unions, or between 2 or more trade-unions, is substantially affecting trade and commerce in relation to a commodity or service or is substantially affecting the business, operations, or purposes of the complainant, the board may, in its discretion, issue a declaratory opinion that

- (a) the declaration, agreement, or combination is void for all purposes, or
- (b) the declaration, agreement, or combination is unenforceable in specified circumstances or for a specified period of time, or
- (c) the declaration, agreement, or combination is valid and enforceable

and, where the board issues a declaratory opinion pursuant to paragraph (a) or (b), it may make such orders, or take such steps, as it considers advisable to ensure that persons affected by the declaration, agreement, or combination are informed that it is void for all purposes, or is unenforceable in specified circumstances or for a specified period of time, as the case may be.

(2) The board, in determining whether to issue a declaratory opinion under subsection (1), shall take into consideration

- (a) the extent to which the employment, business, operations, purposes, or property of the person making the complaint has been affected by the declaration, agreement, or combination, and
- (b) the intent and purpose of this Part and the necessity for reasonable protection and advancement of a trade-union or employer.

- s. 102. 8. Section 102 is amended by renumbering it as subsection (1) and by adding the following:
- (2) Where an arbitration board consists of more than one person, the chairman may exercise all the authority of the arbitration board under subsection (1).