

GREATER VANCOUVER TRANSIT SERVICES SETTLEMENT ACT

CHAPTER 25

Assented to August 1, 2001

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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:

“**Canadian Auto Workers Local 111**” means the National Automobile, Aerospace, Transportation and General Workers’ Union of Canada (CAW-Canada) Local 111, commonly known as the Canadian Auto Workers Local 111;

“**Canadian Auto Workers Local 2200**” means the National Automobile, Aerospace, Transportation and General Workers’ Union of Canada (CAW-Canada) Local 2200, commonly known as the Canadian Auto Workers Local 2200;

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“Coast Mountain” means the Coast Mountain Bus Company Ltd.;

“employee” means an employee of an employer;

“employer” means Coast Mountain or GVTA;

“GVTA” means the Greater Vancouver Transportation Authority;

“special mediator” means the special mediator under section 3;

“trade union” means the Canadian Auto Workers Local 111, the Canadian Auto Workers Local 2200 or the Office and Professional Employees’ International Union, Local 378.

PART 1 – RESUMPTION OF TRANSIT SERVICES

Resumption of transit services

- 2** Immediately after this Act comes into force and despite the *Labour Relations Code*,
- (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 trade 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 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) an employer or a person acting on behalf of an employer must not
 - (i) refuse to permit any person to whom paragraphs (a) to (c) apply to resume the 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 on strike before the coming into force of this Act.

Special mediator

- 3** (1) The appointment of the special mediator, appointed under section 76 of the *Labour Relations Code* on April 12, 2001, is continued
- (a) to facilitate and ensure orderly resumption and continuation of operations of an employer under and in accordance with this Act, and
 - (b) for purposes of Part 3 of this Act.
- (2) The special mediator has the powers and authority of a special mediator under the *Labour Relations Code*.

- (3) Without limiting subsection (2), the special mediator may make orders directing an employer, a trade union or any employees to resume and continue operations in the manner and at the times directed by the special mediator, despite any terms of a collective agreement, or any working practice or schedule, to the contrary.
- (4) Orders under subsection (3) are binding on a trade union, an employer and the employees affected, and the orders may be enforced as if they were terms of the collective agreement.
- (5) If the special mediator under subsection (1) is unable for any reason to complete the special mediator's duties under this Act, the minister may appoint another special mediator under section 76 of the *Labour Relations Code* to perform those duties, with all the powers and authority described in subsections (1) and (2) of this section.

Other rights not affected

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

PART 2 – COLLECTIVE AGREEMENT CONSTITUTED

Definition

- 5 In this Part, “**trade unions**” means the Canadian Auto Workers, Locals 111 and 2200.

Constitution of revised or renewed collective agreement

- 6 (1) The following are deemed to constitute a collective agreement between Coast Mountain and the trade unions:
 - (a) the collective agreement last in force between Coast Mountain and the trade unions before the coming into force of this Act as amended by the provisions described in paragraphs (b) and (c);
 - (b) the provisions that have been negotiated and agreed upon by Coast Mountain and the trade unions during collective bargaining;
 - (c) the recommendations for settlement made by the special mediator on June 14, 2001, other than the recommendation to refer the issue described under “Work Contracted Out”, subject to the following:
 - (i) the Operational Review Committee, which is established by the recommendations, must finalize and complete resolution of the issues referred to that committee through the special mediator's recommendations and must do so before December 31, 2001,
 - (ii) in resolving the issues described in subparagraph (i) and making recommendations on those issues, the Operational Review Committee must have regard to the following:

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- (A) comparable overall terms and conditions of employment in other transit systems or other comparable industries;
 - (B) improved efficiency in terms of service delivery to the public, utilization of the workforce and overall operational productivity;
 - (C) where efficiencies are realized and accounted for by Coast Mountain, that any resulting cost savings must be shared with the employees, and
- (iii) any operational cost savings that are
- (A) realized by Coast Mountain as a result of implementing the Operational Review Committee's recommendations on issues described in subparagraph (i), and
 - (B) verified by an independent audit,
- must be shared with the employees as agreed to by the parties and are payable to the employees in the form of bonuses and not percentage wage increases.
- (2) For certainty, the provisions respecting contracting out in the collective agreement referred to in subsection (1) (a) are part of the collective agreement constituted under this Part.
- (3) The collective agreement constituted under subsection (1) may be varied by agreement between Coast Mountain and the trade unions.

Resolution of disputes

- 7 (1) If there is a dispute as to
- (a) the provisions that have been negotiated and agreed upon by Coast Mountain and the trade unions during collective bargaining, or
 - (b) the meaning of any of the recommendations referred to in section 6 (1) (c),
- either party may refer the dispute to the special mediator for decision.
- (2) Within 30 days after this Act comes into force, the parties must nominate either the special mediator or another arbitrator agreed to by the parties, for purposes of resolving any dispute that may arise between the parties regarding the resolution of an issue before the Operational Review Committee.
- (3) If the parties are unable to agree on the nomination under subsection (2) within the 30 day period described in that subsection, the minister must appoint an arbitrator for the purposes of that subsection.
- (4) An arbitrator nominated or appointed under subsection (2) or (3) has the powers and authority of a special mediator under section 76 of the *Labour Relations Code*.
- (5) The special mediator or other arbitrator nominated or appointed under subsection (2) or (3) must

- (a) have regard to the same terms of reference described in section 6 (1) (c) (ii) when resolving any issues under this section, and
 - (b) finalize and complete resolution of all such issues before December 31, 2001.
- (6) A decision of the special mediator or an arbitrator under subsection (1) or (2) is final and binding on Coast Mountain, the trade unions and the employees affected.

Expiry of collective agreement

- 8 A collective agreement constituted under this Part expires on March 31, 2004.

PART 3 – MEDIATION AND SETTLEMENT**Definition**

- 9 In this Part, “trade union” means the Office and Professional Employees’ International Union, Local 378.

Collective agreements extended

- 10 The collective agreements last in force between the trade union and the employers before the coming into force of this Act are extended and are deemed to be in effect for the period from the expiry date of the collective agreements to the date on which revised or renewed collective agreements between the trade union and the employers come into force.

Special mediator

- 11
- (1) The special mediator must assist the trade union and the employers in settling terms and conditions of revised or renewed collective agreements.
 - (2) The special mediator must, within 30 days after this Act comes into force, endeavour to mediate all matters that remain in dispute and to bring about agreements between the parties on those matters.
 - (3) The special mediator must keep the minister informed as to the progress of the mediation.

If mediation unsuccessful

- 12
- (1) If mediation under section 11 is unsuccessful in bringing about agreements between the parties, the minister may
 - (a) direct the special mediator to make recommendations respecting revised or renewed collective agreements between the parties, or
 - (b) direct that any remaining disputes be resolved by binding arbitration or provide for such other mechanism the minister considers necessary and appropriate to resolve those disputes and settle the terms and conditions of revised or renewed collective agreements.

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- (2) For the purposes of subsection (1) (b), other mechanisms include, without limitation, the process of final offer arbitration.
- (3) Recommendations under subsection (1) (a), or terms and conditions arrived at under subsection (1) (b), constitute collective agreements between the trade union and the employers.
- (4) A collective agreement constituted under subsection (3) is binding on the trade union and the employer and on the employees affected, but its terms and conditions may be varied by agreement between the parties.

Costs

- 13 Each party to a mediation under section 11 is responsible for
- (a) its own fees, expenses and costs, and
 - (b) an equal portion of the fees and expenses of the special mediator.

PART 4 – MISCELLANEOUS**Application of *Labour Relations Code***

- 14 (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).

Repeal

- 15 (1) This Act is repealed by regulation of the Lieutenant Governor in Council.
- (2) Despite subsection (1), a collective agreement constituted under this Act is a collective agreement for the purposes of the *Labour Relations Code* and the collective agreement remains in force until expiry of the collective agreement.