

COASTAL FOREST INDUSTRY DISPUTE SETTLEMENT ACT

CHAPTER 103

Assented to December 16, 2003

Contents

Section

- 1 Definitions
- 2 Application of the Code

PART 1 – RESTORATION OF COASTAL FOREST INDUSTRY OPERATIONS

- 3 Collective agreement continued
- 4 Restoration of coastal forest industry operations
- 5 Employer must not discharge or discipline

PART 2 – MEDIATION-ARBITRATION COMMISSIONER

- 6 Appointment of commissioner
- 7 Terms of reference
- 8 Assistance to commissioner
- 9 Commissioner reports and recommendations
- 10 Minister may order new dates and re-appoint

PART 3 – NEW COASTAL FOREST INDUSTRY COLLECTIVE AGREEMENT

- 11 New collective agreement

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:

“**Code**” means the *Labour Relations Code*;

“**commissioner**” means the mediation-arbitration commissioner appointed under section 6;

“**employee**” means a person who is an employee of an employer and is represented by a trade union;

“**employer**” means an employer that is a member of FIR;

“**FIR**” means Forest Industrial Relations Limited;

“**trade union**” means any of the following:

- (a) the Industrial, Wood and Allied Workers of Canada (I.W.A. Canada), Locals 1-80, 1-85, 363, 2171 and 1-3567;

Section 2

- (b) the Council of I.W.A. Locals certified as bargaining agent for employees of Weyerhaeuser Company Limited.

Application of the Code

- 2 (1) The Code and the regulations made under it apply in respect of the matters to which this Act applies, but if there is a conflict or an inconsistency between this Act and those enactments, 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).

PART 1 –R ESTORATION OF COASTAL FOREST INDUSTRY OPERATIONS**Collective agreement continued**

- 3 (1) A collective agreement between a trade union and an employer that was in effect immediately before June 14, 2003, including any letter of understanding between the trade union and the employer that was part of the collective agreement at that time, is
 - (a) deemed to be a collective agreement between the parties,
 - (b) effective immediately on the coming into force of this Act, and
 - (c) binding on a trade union and an employer and on the employees affected.
- (2) A collective agreement under subsection (1) is subject to any interim orders made or varied by the commissioner under section 6, but the collective agreement continues in effect until the date on which the new or revised collective agreement referred to in section 11 (1) takes effect.

Restoration of coastal forest industry operations

- 4 Immediately on the coming into force of this Act and despite the 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) any declaration, authorization or direction to go on strike given before or after the coming into force of this Act becomes invalid, and
 - (d) 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) and (b) apply from complying with those paragraphs.

Employer must not discharge or discipline

- 5 (1) An employer or a person acting on behalf of an employer must not discharge or in any other manner discipline any person to whom section 4 (a) and (b) applies

by reason of the person having been locked out or on strike before the coming into force of this Act.

- (2) However, 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 referred to in section 3 (1).

PART 2 –MEDIATION-ARBITRATION COMMISSIONER

Appointment of commissioner

- 6** (1) The minister must appoint a mediation-arbitration commissioner to do the following before May 31, 2004 in accordance with this Act:
- (a) resolve and decide all matters in dispute between a trade union and an employer;
 - (b) conclude a new or revised collective agreement between the trade union and the employer.
- (2) With or without the consent of any party, the commissioner may use fact-finding, mediation, conciliation, arbitration or any other procedure that the commissioner considers appropriate for the purposes of subsection (1).
- (3) Without limiting subsection (2), sections 89, 91, 92 (1) (a) to (d) and 93 of the Code apply for the purposes of a commissioner in the performance of the commissioner's duties.
- (4) Until a new or revised collective agreement is concluded by the commissioner, the commissioner may
- (a) make interim orders that the commissioner considers necessary or advisable in the performance of duties or exercise of powers under this section, and
 - (b) vary or rescind any interim orders made under this section.
- (5) Without limiting subsection (4), the commissioner may make interim orders that
- (a) add, amend or delete, in whole or in part, one or more provisions of the collective agreement referred to in section 3 (1), or
 - (b) are otherwise in respect of or related to that collective agreement or the conclusion of a new or revised collective agreement.
- (6) Interim orders made or varied are, effective on the date specified by the commissioner in the order, binding on a trade union and an employer and on the employees affected, and the orders may be enforced as terms of the collective agreement.

Terms of reference

- 7** In performing duties and exercising powers under section 6, the commissioner must consider the following:

Section 8

- (a) the need for terms and conditions of employment that are consistent with the economic viability and competitiveness of the coastal forest industry in both the short and long term;
- (b) the importance of good labour management relations in the coastal forest industry;
- (c) the interests of the employees and trade unions.

Assistance to commissioner

- 8** (1) The commissioner may retain and utilize any person that the commissioner considers appropriate to assist in the performance of the commissioner's duties or in the exercise of the commissioner's powers.
- (2) Without limiting subsection (1), the commissioner may retain and utilize any person to assist the commissioner in the identification or quantification of operational cost savings in a coastal forest operation.
- (3) The commissioner may authorize a retained person to do anything that the commissioner may do under section 6 (2), or because of the operation of section 6 (3), and the commissioner may require that the person report back to the commissioner in the manner that the commissioner considers appropriate.

Commissioner reports and recommendations

- 9** The commissioner must
- (a) provide interim reports and make recommendations to the minister in accordance with any requests for interim reports or recommendations that the minister may make, and
 - (b) report to the minister, before July 31, 2004, the commissioner's recommendations respecting
 - (i) the impact that, in the commissioner's opinion, current coastal forest policy may have on the successful operation of a collective agreement concluded under this Part, and
 - (ii) measures that the trustee of the BC Forestry Revitalization Trust referred to in section 10 of the *Forestry Revitalization Act* may take, and what the parties to a collective agreement concluded under this Part may do, to maximize funding under the trust.

Minister may order new dates and re-appoint

- 10** (1) Despite section 6 (1), the minister may order that the commissioner decide all matters in dispute and conclude a new or revised collective agreement on an earlier or later date than May 31, 2004, as specified in the order.
- (2) If the commissioner is unable for any reason to complete the commissioner's duties under this Act, the minister may appoint another commissioner to complete those duties, with all the powers and authority described in this Part.

PART 3 –NEW COASTAL FOREST INDUSTRY COLLECTIVE AGREEMENT**New collective agreement**

- 11** (1) A new or revised collective agreement that is concluded by the commissioner under section 6 (1)
- (a) is deemed to be a collective agreement between the parties,
 - (b) takes effect on the date specified in that collective agreement, and
 - (c) is binding on a trade union and an employer and on the employees affected.
- (2) The collective agreement under subsection (1) may be varied by agreement between a trade union and an employer.