

NEWFOUNDLAND



AN ACT TO AMEND THE LABOUR RELATIONS ACT.

(March 6, 1959)

Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

1. This Act may be cited as The Labour Relations (Amendment) Act, 1959.

Short title.

2. The Labour Relations Act, chapter 258 of The Revised Statutes of Newfoundland, 1952, is amended by inserting therein immediately after Section 6 the following as Section 6A:

New Section
6A.

"6A.—(1) Notwithstanding anything contained in this Act or in any other statute or law, where it appears to the Lieutenant-Governor in Council that a substantial number of the superior officers, agents or representatives of a trade union or any body, group or organization of trade unions outside the province have been convicted of any heinous crime such as trafficking in narcotics, manslaughter, extortion, embezzlement or perjury and any or all of them remain as officers, agents or representatives of the trade union or body, group or organization of trade unions, the Lieutenant-Governor in Council may as from such date as he sees fit dissolve any trade union in the province which is a branch, local or affiliate of that other trade union or body, group or organization of trade unions.

(2) A trade union which is dissolved in accordance with subsection (1), which, and any member, officer, agent or representative of the union who, after its dissolution

(a) does anything prohibited by this Act;

- (b) holds a meeting of the union;
- (c) collects dues from its members;
- (d) in any way holds itself out to be a trade union within the meaning of this Act;

is, notwithstanding the dissolution of the union, guilty of an offence and is liable on summary conviction

- (a) if a trade union to a fine not exceeding five thousand dollars; or
- (b) if an individual to a fine not exceeding one thousand dollars or in default of payment to imprisonment for a term not exceeding six months.

(3) Where a trade union which is dissolved in accordance with subsection (1) is a certified bargaining agent, the certification is revoked as from the date the union is so dissolved.

(4) Where a trade union is dissolved under subsection (1), an agreement entered into and in force at the date of the dissolution between the union and the employer is not and shall not be deemed to be as from the date of the dissolution a collective agreement for the purposes of this Act.

(5) The Lieutenant-Governor in Council may make such regulations as he deems necessary for carrying out the provisions of this section and in particular but without prejudice to the generality of the foregoing may make regulations providing for the disposition of the assets of a union dissolved in accordance with subsection (1)."

Repeal and
subsection
Section 11.

3. Section 11 of the said Act is repealed and the following substituted therefor:

"11.—(1) Where

(a) in the opinion of the Board

- (i) a certified bargaining agent no longer represents the majority of employees in the unit in which it was certified;

- (ii) a certified bargaining agent has ceased to be a trade union; or
 - (iii) the employer has ceased to be the employer of the employees in the unit in which it was certified;
- (b) any officer, agent or representative of a certified bargaining agent has been convicted of an offence against the Criminal Code in connection with a trade dispute and continues as such officer, agent or representative;
- (c) a certified bargaining agent or any officer, agent or representative of it has been convicted of an offence against this Act and continues as such officer, agent or representative;
- (d) an employer has been excluded generally or specifically from Section 12 of this Act;
- (e) an injunction other than an interim injunction has been granted against a certified bargaining agent or any officer, member, agent or representative of it in connection with a trade dispute; or
- (f) a judgment has been entered against a certified bargaining agent or any officer, member, agent or representative of it in respect of any tortious act committed by or on behalf of the bargaining agent in connection with a trade dispute,

the Board of its own motion or upon application may revoke the certification of the certified bargaining agent and thereupon notwithstanding anything contained in this Act the employer shall not be required to bargain collectively with the bargaining agent but subject to subsections (2) and (3) nothing in this subsection shall prevent the bargaining agent from making an application under Section 7.

(2) Notwithstanding anything contained in this Act and whether or not the Board on its own motion or on application has under consideration the revocation of the certifica-

tion under subsection (1), the Lieutenant-Governor in Council may after due enquiry revoke the certification of a certified bargaining agent.

(3) Where the Lieutenant-Governor in Council has revoked a certification under subsection (2), the Board shall not without the consent of the Lieutenant-Governor in Council receive, consider or determine an application under Section 7 or grant certification under Section 9.

(4) Where a certification has been revoked under subsection (1) or (2), an agreement entered into and in force at the date of the revocation between the certified bargaining agent and the employer is not and shall not be deemed to be as from that date a collective agreement for the purposes of this Act."

New Section
43A.

4. The said Act is further amended by inserting therein immediately after Section 43 the following as Section 43A:

"43A.—(1) No trade union and no body, group or organization of trade unions and no officer, member, agent or representative of a trade union or body, group or organization of trade unions shall authorize, counsel, procure, aid or abet any person to and no person shall engage in or encourage any person to engage in a concerted refusal to use, manufacture, transport or otherwise handle or work on any goods or materials or to perform any services with a view to forcing or requiring

- (a) any employer or other person to cease using, selling, handling, transporting or otherwise dealing in the products of or to cease doing business with any other person;
- (b) any other employer to recognize or bargain with or reach agreement with a trade union;
- (c) any employer to assign particular work to employees in a particular trade union or in a particular trade or craft rather than the employees in another trade union or in another trade or craft; or

(d) any employee or self employed person to join a trade union.

(2) Where a trade union or body, group or organization of trade unions is convicted of a breach of subsection (1) it is liable on summary conviction to a fine not exceeding five thousand dollars.

(3) Where an individual is convicted of a breach of subsection (1) he is liable on summary conviction to a fine not exceeding five hundred dollars and in default of payment to imprisonment for a term not exceeding three months."

5. The said Act is further amended by inserting therein immediately after Section 52 the following as Section 52A:

New Section
52A.

"52A.—(1) Notwithstanding anything contained in this Act or in any other statute or law, an action lies against a trade union and any body, group or organization of trade unions and against any officer, member, agent or representative of a trade union or body, group or organization of trade unions on behalf of themselves and all other members of the trade union or body, group or organization of trade unions in respect of any tortious act alleged to have been committed by or on behalf of the trade union or body, group or organization of trade unions.

(2) An action under subsection (1) shall be brought in the name of the trade union or body, group or organization of trade unions and for the purposes of the action the trade union and the body, group or organization of trade unions shall be deemed to be a person and any act or thing done or omitted by an officer, member, agent or representative of the trade union or body, group or organization of trade unions shall be deemed to be an act or thing done or omitted by the trade union or body, group or organization of trade unions."

AN ACT TO MAKE PROVISION FOR SAFEGUARDING
THE PUBLIC INTEREST IN VIEW OF THE PRESENT
UNSETTLED CONDITIONS IN THE WOODS LABOUR
PART OF THE PULP AND PAPER INDUSTRY IN THE
PROVINCE.

(March 6, 1959)

WHEREAS strikes have been called in the woods labour part of the pulp and paper industry of the province;

AND WHEREAS since those strikes were called many loggers have been convicted of offences against the Criminal Code arising out of the strikes and have been fined or sent to prison;

AND WHEREAS because of the lawlessness existing in connection with the strikes many loggers who are willing and anxious to resume employment in the forests with the companies engaged in the pulp and paper industry in the province are reluctant to do so;

AND WHEREAS because of these things a state of grave emergency exists in the pulp and paper industry of the province and the economy of the province is in jeopardy;

AND WHEREAS in these circumstances it is necessary to take extraordinary steps in an endeavour to bring an end to the emergency;

Be it therefore enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title.

1. This Act may be cited as The Trade Union (Emergency Provisions) Act, 1959.

Interpretation.

2. In this Act "trade union" means a trade union within the meaning of The Labour Relations Act, chapter 258 of The Revised Statutes of Newfoundland, 1952 (hereinafter referred to as the "said Act").

3.—(1) Notwithstanding anything contained in the said Act or in any other statute or law, any certification as bargaining agent (hereinafter referred to as "certification") granted under the said Act to each trade union named in the schedule to this Act is revoked.

Revocation of certification.

(2) Where certification granted under the said Act to a trade union is revoked by this Act, the union shall not without the consent of the Lieutenant-Governor in Council apply for certification under the said Act and the Labour Relations Board shall not without the like consent grant certification under the said Act.

Consent required for new application for certification.

4. Where certification granted under the said Act to a trade union is revoked by this Act, an agreement entered into and in force on the date of the passing of this Act between the union and an employer is void as from that date and no longer binds the parties to the agreement.

Agreement void where certification revoked.

SCHEDULE

Schedule.

INTERNATIONAL WOOD WORKERS OF AMERICA,
Local 2-254

INTERNATIONAL WOOD WORKERS OF AMERICA,
Local 2-255

AN ACT TO AMEND THE FIRE INSURANCE ACT, 1957.

(April 1, 1959)

Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title.

1. This Act may be cited as The Fire Insurance (Amendment) Act, 1959.

Repeal and substitution Sec. 3 (1).

2. Subsection (1) of Section 3 of The Fire Insurance Act, 1957, the Act No. 32 of 1957, is repealed and the following substituted therefor:

Application of Act.

“(1) This Act applies to insurance against loss of or damage to property arising from the peril of fire in any contract made in the province except

- (a) insurance falling within the classes of aircraft, automobile, boiler and machinery, inland transportation, marine, plate glass, sprinkler leakage and theft insurance;
- (b) where the subject-matter of the insurance is rents, charges or loss of profits;
- (c) where the peril of fire is an incidental peril to the coverage provided; or
- (d) where the subject-matter of the insurance is property that is insured by an insurer or group of insurers primarily as a nuclear risk under a policy covering against loss of or damage to the property resulting from nuclear reaction or nuclear radiation and from other perils.”

Amdt. Sec. 4.

3. Section 4 of the said Act is amended

- (a) By repealing subparagraph (i) of paragraph (a) of subsection (1) and substituting therefor the following:

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The first Newfoundland and Labrador high school debating championship has been won by Holy Heart of Mary Regional High School in St. John's. The school was represented by Peggy Allen, 16, (left), a grade 11 student, and Mary Wakeham, 15, a grade 10 student. The finalists were selected after a day-long competition in the auditorium of Holy Heart, featuring seven sub-regional champions. (Evening Telegram photo)

Mrs. Gertrude Keough appointed commissioner of human rights

Mrs. Gertrude Keough, widow of the late provincial Labor Minister W. J. Keough, has been appointed human rights commissioner for the province.

Making the announcement in the House of Assembly, Premier Smallwood said the new commissioner will deal with all complaints of discrimination laid under the Newfoundland Human Rights Code, which was enacted two years ago and proclaimed by the government March 3—the day after Mr. Keough died at the age of 57.

The premier explained that since the code was enacted, the government has been working to set up the machinery which would be needed to enable it to administer the act.

Born in Cape Broyle, Southern Shore, Mrs. Keough had been a school teacher. The premier said "her interest in public affairs and her keen sense of equality and fair play are well known.

"The government feels that she is admirably

sued for this position and that she will ensure a just and impartial hearing for any complaint laid by any citizen who feels his human rights have been affected."

The premier went on to say that Mr. Keough must be regarded as "the father of human rights legislation in Newfoundland." He said the labor minister devoted much of his time to the work which was necessary to make the human rights code into an effective piece of legislation.

The premier also explained to the House that the legislation made provision for the appointment of a commission in cases where the public servants concerned with administering the act have not been able to resolve disputes and complaints. The cabinet would have authority to appoint such a commission in each case.

However, the premier said that this was felt to be a "cumbersome procedure" and it was decided to appoint a commissioner now to hear all cases.

Communion Supper held at Torbay

The ninth annual Holy Name Communion Supper was held in the Parish Hall at Torbay March 20 following evening Mass celebrated by the parish priest, Rev. E. R. Lawlor. Guest speaker was Rev. P. J. Kennedy. Seated at the head table are (l-r) Rev. E. R. Lawlor, Mrs. William Manning, Very Rev. D. P. Morrissey, (Parish priest Outer Cove), Bryan Manning and Mrs. John Mc-

