Labour Relations – Know The Laws Of Your Province



Discrimination regulations are vital for promoting fairness, safety, and dignity in the workplace. These regulations require **employers** to ensure that individuals are treated equitably in hiring, employment, and workplace practices, regardless of race, gender, disability, or other protected grounds. Measures include providing equal access to employment opportunities, implementing policies that prevent harassment, and accommodating workers' special needs unless doing so causes undue hardship. While core human rights principles are consistent across Canada, specific legal provisions vary by province and territory to reflect local legislative frameworks. Compliance with these regulations helps prevent systemic inequities, supports inclusive work environments, and upholds the rights of all workers.

FEDERAL

Under the Canada Labour Code **Sections 94(1), 95, and 247.99**, and the Canadian Human Rights Act **Sections 7, 10, and 14.1**, **employers must** not interfere with union activities, discriminate against employees, or retaliate for asserting workplace rights. **Employers** are responsible for maintaining fair labour practices, addressing complaints, and ensuring that policies do not deprive individuals of employment opportunities based on prohibited grounds. These rules are vital to promoting respectful and equitable labour relations in the workplace.

Canada Labour Code

Unfair Practices

Employer Interference in Trade Union

(1) No **employer** or person acting on behalf of an **employer shall:**

(a) participate in or interfere with the formation or administration of a trade union or the representation of employees by a trade union; or

(b) contribute financial or other support to a trade union. **Section 94 (1).**

Prohibitions Relating to Trade Unions

No trade union or person acting on behalf of a trade union **shall:**

(a) seek to compel an **employer** to bargain collectively with the trade union if the trade union is not the bargaining agent for a bargaining unit that includes employees of the **employer**;

(b) bargain collectively for the purpose of entering into a collective agreement or enter into a collective agreement with an **employer** in respect of a bargaining unit, if that trade union or person knows or, in the opinion of the Board, ought to know that another trade union is the bargaining agent for that bargaining unit;

(c) participate in or interfere with the formation or administration of an **employers'** organization;

(d) except with the consent of the **employer** of an employee, attempt, at an employee's place of employment during the working hours of the employee, to persuade the employee to become, to refrain from becoming or to cease to be a member of a trade union;

(e) require an **employer** to terminate the employment of an employee because the employee has been expelled or suspended from membership in the trade union for a reason other than a failure to pay the periodic dues, assessments and initiation fees uniformly **required** to be paid by all members of the trade union as a condition of acquiring or retaining membership in the trade union;

(f) expel or suspend an employee from membership in the trade union or deny membership in the trade union to an employee by applying to the employee in a discriminatory manner the membership rules of the trade union;

(g) take disciplinary action against or impose any form of penalty on an employee by applying to that employee in a discriminatory manner the standards of discipline of the trade union;

(h) expel or suspend an employee from membership in the trade union or take disciplinary action against or impose any form of penalty on an employee by reason of that employee having refused to perform an act that is contrary to this Part; or

(i) discriminate against a person with respect to employment, a term or condition of employment or membership in a trade union, or intimidate or coerce a person or impose a financial or other penalty on a person, because that person:

(i) has testified or otherwise participated or may testify or otherwise participate in a proceeding under this Part,

(ii) has made or is about to make a disclosure that the person may be **required** to make in a proceeding under this Part, or

(iii) has made an application or filed a complaint under this Part. **Section 95 (a) to (h).**

Canadian Human Rights Act

Employment

It is a discriminatory practice, directly or indirectly:

(a) to refuse to employ or continue to employ any individual, or

(b) in the course of employment, to differentiate adversely in relation to an employee, on a prohibited ground of discrimination. **Section 7.**

Discriminatory policy or practice

It is a discriminatory practice for an **employer**, employee organization or **employer** organization:

(a) to establish or pursue a policy or practice, or

(b) to enter into an agreement affecting recruitment, referral, hiring, promotion, training, apprenticeship, transfer or any other matter relating to employment or prospective employment, that deprives or tends to deprive an individual or class of individuals of any employment opportunities on a prohibited ground of discrimination. **Section 10.**

Retaliation

It is a discriminatory practice for a person against whom a complaint has been filed under Part III, or any person acting on their behalf, to retaliate or threaten retaliation against the individual who filed the complaint or the alleged victim. **Section 14.1.**

For more information:

- **Sections 247.99 (1) to (8).**

Further details on the Canada Labour Code and Canadian Human Rights Act.

ALBERTA

In Alberta, **employers must** comply with the **Labour Relations Code Sections 148(1), 149(1), and 151**, and the **Alberta Human Rights Act Sections 7(1), and 10**. These laws prohibit **employers** from interfering in union activities, discriminating against employees for union membership or participation, or imposing penalties related to union actions. **Employers must** not coerce employees to join or leave unions, nor retaliate against them for filing complaints or exercising their rights.

Labour Relations Code

Prohibited practices by employer, etc.

(1) No **employer** or **employers**' organization and no person acting on behalf of an **employer** or **employers**' organization **shall:**

(a) participate in or interfere with

(i) the formation or administration of a trade union, or

(ii) the representation of employees by a trade union, or

(b) contribute financial or other support to a trade union. **Section 148.**

Prohibited practices by employer, etc.

(1) No **employer** or **employers**' organization and no person acting on behalf of an **employer** or **employers**' organization **shall:**

(a) refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because the person

(i) is a member of a trade union or an applicant for membership in a trade union,

(ii) has indicated in writing the person's selection of a trade union to be the bargaining agent on the person's behalf,

(iii) has been expelled or suspended from membership in a trade union for a reason other than a failure to pay the union dues, assessments and initiation fees referred to in section 26.1(1)(b) uniformly **required** to be paid by all members of the trade union as a condition of acquiring or retaining membership in the trade union,

(iv) has testified or otherwise participated in or may testify or otherwise participate in a proceeding under this Act,

(v) has made or is about to make a disclosure that the person may be **required** to make in a proceeding under this Act,

(vi) has made an application or filed a complaint under this Act,

(vii) has participated in any strike that is permitted by this Act, or

(viii) has exercised any right under this Act;

(b) impose any condition in a contract of employment that restrains, or has the effect of restraining, an employee from exercising any right conferred on the employee by this Act;

(c) seek by intimidation, dismissal, threat of dismissal, or any other kind of threat, by the imposition of a pecuniary or other penalty or by any other means, to compel an employee to refrain from becoming or to cease to be a member, officer or representative of a trade union;

(d) suspend, discharge, or impose any financial or other penalty on an employee, or take any other disciplinary action against an employee, by reason of that employee's having refused to perform an act prohibited by this Act;

(d.1) suspend, discharge, or impose any financial or other penalty on an employee, or take any other disciplinary action against an employee, because the employee has made or refrained from making an election under section 26.1(3) or revoked or refrained from revoking an election under section 26.1(4);

(d.2) deduct union dues, assessments or initiation fees related to activities referred to in section 26.1(1)(a) without the **required** authorization;

(d.3) seek through coercion, intimidation, threats, promises or undue influence to compel an employee to make or refrain from making an election under section 26.1(3) or to revoke or refrain from revoking an election under section 26.1(4);

(e) bargain collectively for the purpose of entering into a collective agreement, or enter into a collective agreement, with a trade union in respect of a bargaining unit if that **employer** or **employers**' organization or person acting on behalf of it knows, or in the opinion of the Board ought to know, that another trade union is the bargaining agent for that unit;

(f) suspend, discharge, or impose any financial or other penalty on an employee, or

take any other disciplinary action against an employee, by reason of the employee's refusal to perform all or some of the duties and responsibilities of another employee who is participating in a strike that is permitted under this Act;

(g) discriminate against a person in regard to employment or membership in a trade union or intimidate or threaten to dismiss or in any other manner coerce a person or impose a pecuniary or other penalty on a person, because the person:

(i) has testified or otherwise participated in or may testify or otherwise participate in a proceeding authorized or permitted under a collective agreement or a proceeding under this Act,

(ii) has made or is about to make a disclosure that the person may be **required** to make in a proceeding authorized or permitted under a collective agreement or a proceeding under this Act, or

(iii) has made an application or filed a complaint under this Act. **Section 149(1) (a) to (g).**

Alberta Human Rights Act

Discrimination re employment practices

(1) No **employer shall:**

(a) refuse to employ or refuse to continue to employ any person, or

(b) discriminate against any person with regard to employment or any term or condition of employment, because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation of that person or of any other person. **Section 7(1).**

Prohibitions Regarding Complaints

(1) No person **shall** retaliate against a person because that person:

(a) has made or attempted to make a complaint under this Act,

(b) has given evidence or otherwise participated in or may give evidence or otherwise participate in a proceeding under this Act,

(c) has made or is about to make a disclosure that person may be **required** to make in a proceeding under this Act, or

(d) has assisted in any way in:

(i) making or attempting to make a complaint under this Act, or

(ii) the investigation, settlement or prosecution of a complaint under this Act.

(2) No person **shall**, with malicious intent, make a complaint under this Act that is frivolous or vexatious. **Section 10(1)(2).**

For more information:

- Prohibited practices by trade union. **Sections 151 (1) (a) to (h).**

Further details on the Labour Relations Code and Alberta Human Rights Act.

BRITISH COLUMBIA

In British Columbia, **employers must** comply with the **Labour Relations Code Sections 4, 5, 6, and 12**, and the **Human Rights Code Sections 2, 13, and 14**. These provisions prohibit **employers** from interfering in union activities, retaliating against employees for asserting their labour rights, or discriminating in employment practices based on protected characteristics. **Employers must** respect employees' rights to unionize and participate in union activities without fear of dismissal, penalty, or intimidation. Adhering to these regulations ensures fair and equitable labour relations and prevents workplace discrimination.

Labour Relations Code

Part 2 – Rights, Duties, and Unfair Labour Practices

Rights of Employers and Employees

(1) Every employee is free to be a member of a trade union and to participate in its lawful activities.

(2) Every **employer** is free to be a member of an **employers**' organization and to participate in its lawful activities. **Section 4(1)(2).**

Prohibition against dismissals, etc., for exercising employee rights

(1) A person **must** not:

(a) refuse to employ or refuse to continue to employ a person,

(b) threaten dismissal of or otherwise threaten a person,

(c) discriminate against or threaten to discriminate against a person with respect to employment or a term or condition of employment or membership in a trade union, or

(d) intimidate or coerce or impose a pecuniary or other penalty on a person, because of a belief that the person may testify in a proceeding under this Code or because the person has made or is about to make a disclosure that may be **required** of the person in a proceeding under this Code or because the person has made an application, filed a complaint or otherwise exercised a right conferred under this Code or because the person has participated or is about to participate in a proceeding under this Code.

(2) If no collective agreement respecting a unit is in force and a complaint is filed with the board alleging that an employee in that unit has been discharged, suspended, transferred or laid off from employment or otherwise disciplined in contravention of this Code, the board **must** forthwith inquire into the matter and, if the complaint is not settled or withdrawn, the board **must:**

(a) commence a hearing on the complaint within 3 days of its filing,

(b) promptly proceed with the hearing without interruption, except for any necessary adjournments, and

(c) render a decision on the complaint within 2 days of the completion of the hearing. **Section 5(1)(2).**

Unfair Labour Practices

(1) An **employer** or a person acting on behalf of an **employer must** not participate in or interfere with the formation, selection or administration of a trade union or contribute financial or other support to it.

(2) Despite this section, an **employer** may permit an employee or representative of a trade union to confer with the **employer** during working hours or to attend to the trade union's business during working hours without deducting time so occupied in computing the time worked for the **employer** and without deducting wages for that time.

(3) An **employer** or a person acting on behalf of an **employer must** not:

(a) discharge, suspend, transfer, lay off, or otherwise discipline an employee, refuse to employ or to continue to employ a person or discriminate against a person in regard to employment or a condition of employment because the person:

(i) is or proposes to become or seeks to induce another person to become a member or officer of a trade union, or

(ii) participates in the promotion, formation or administration of a trade union,

(b) discharge, suspend, transfer, lay off, or otherwise discipline an employee except for proper cause when a trade union is in the process of conducting a certification campaign for employees of that **employer**,

(c) impose in a contract of employment a condition that seeks to restrain an employee from exercising the employee's rights under this Code,

(d) seek by intimidation, by dismissal, by threat of dismissal, or by any other kind of threat, or by the imposition of a penalty, or by a promise, or by a wage increase, or by altering any other terms or conditions of employment, to compel or to induce an employee to refrain from becoming or continuing to be a member or officer or representative of a trade union,

(e) use or authorize or permit the use of the services of a person in contravention of section 68, or

(f) refuse to agree with a trade union, certified under this Code as the bargaining agent for the **employer**'s employees who have been engaged in collective bargaining to conclude their first collective agreement, that all employees in the unit, whether or not members of the trade union, but excluding those exempted under section 17, will pay union dues from time to time to the trade union.

(4) Despite subsection (3), except as expressly provided, this Code **must** not be interpreted to limit or otherwise affect the right of the **employer** to:

(a) discharge, suspend, transfer, lay off or otherwise discipline an employee for proper cause, or

(b) make a change in the operation of the **employer**'s business reasonably necessary for the proper conduct of that business. **Section 6 (1) to (4).**

Human Rights Code

Discrimination and intent

Discrimination in contravention of this Code does not require an intention to contravene this Code. **Section 2.**

Discrimination in Employment

(1) A person **must** not:

(a) refuse to employ or refuse to continue to employ a person, or

(b) discriminate against a person regarding employment or any term or condition of employment because of the Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

(2) An employment agency **must** not refuse to refer a person for employment for any reason mentioned in subsection (1).

(3) Subsection (1) does not apply:

(a) as it relates to age, to a bona fide scheme based on seniority, or

(b) as it relates to marital status, physical or mental disability, sex or age, to the operation of a bona fide retirement, superannuation or pension plan or to a bona fide group or employee insurance plan, whether or not the plan is the subject of a contract of insurance between an insurer and an **employer**.

(4) Subsections (1) and (2) do not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement. **Section 13.**

Discrimination by Unions and Associations

A trade union, **employers**' organization or occupational association **must** not:

(a) exclude any person from membership,

(b) expel or suspend any member, or

(c) discriminate against any person or member because of the Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or member, or because that person or member has been convicted of a criminal or summary conviction offence that is unrelated to the membership or intended membership. **Section 14.**

For more information:

- Duty of fair representation. **Sections 12 (1) to (3).**

Further details on the Labour Relations Code and Human Rights Code.

MANITOBA

In Manitoba, **employers must** comply with the **Labour Relations Act Sections 9, 17, 20, 32, and 94.1** to uphold fair Labour Practices and protect employee rights. **Employers** are prohibited from dismissing, disciplining, or altering the status of workers due to union involvement, and **must** not coerce employees to refrain from exercising their

rights. They are also barred from using replacement workers during a legal strike or lockout.

PART I – UNFAIR LABOUR PRACTICES AND INFRINGEMENT OF RIGHTS

Discrimination During Organizational Period

Every **employer**, and every person acting on behalf of an **employer** who, at a time when a union is seeking to be certified as the bargaining agent of a unit of employees of the **employer** or is attempting to enlist members from among employees of the **employer**, discharges or refuses to continue to employ, or refuses to re-employ, or lays off, or transfers, or suspends, or alters the status of, an employee who is a member of the union or who has applied for membership in the union, unless he satisfies the board that the decision to discharge, to refuse to continue to employ, to refuse to re-employ, to lay off, to transfer, to suspend or to alter the status of, the employee was not in any way affected by the employee's membership in the union or application for membership in the union, as the case may be, commits an unfair labour practice. **Section 9.**

Unfair Labour Practice by Employer

Every **employer** and every person acting on behalf of an **employer:**

(a) who denies or threatens to deny an employee

(i) because the employee ceases to work as the result of a strike or lockout not prohibited under this Act, or

(ii) because the employee ceases to work as the result of a dismissal contrary to this Act, or

(iii) because the employee exercises any right conferred upon him under this Act or any other Act of the Legislature or of Parliament, any pension rights or benefits to which the employee is entitled or would have been entitled except for the cessation of work or the exercise of the right; or

(b) who seeks by intimidation, by coercion, by threat of dismissal or any other kind of threat, or by the imposition of a pecuniary or other penalty, or by a promise, or by a wage increase, or by altering any other term or condition of employment, or by any other means, to compel or induce any person

(i) to refrain from becoming, or to cease to be, a member or officer or representative of a union, or

(ii) to refrain from exercising any of the person's rights under this Act, or

(iii) to refrain from testifying or otherwise participating in a proceeding under this Act or any other Act of the Legislature or of Parliament, or

(iv) to refrain from making a disclosure that he may be **required** to make under this Act or any other Act of the Legislature or of Parliament, or

(v) to refrain from making an application or filing a complaint under this Act or any other Act of the Legislature or of Parliament; commits an unfair labour practice. **Section 17.**

Duty of Fair Representation

Every bargaining agent which is a party to a collective agreement, and every person

acting on behalf of the bargaining agent, which or who, in representing the rights of any employee under the collective agreement:

(a) in the case of the dismissal of the employee,

(i) acts in a manner which is arbitrary, discriminatory or in bad faith, or

(ii) fails to take reasonable care to represent the interests of the employee; or

(b) in any other case, acts in a manner which is arbitrary, discriminatory or in bad faith; commits an unfair labour practice. **Section 20.**

Freedom of Speech

Nothing in this Act deprives any person of his freedom to express his views if he does not use intimidation, coercion, threats, or undue influence or interfere with the formation or selection of a union.

Right of Employer to Suspend, Discharge, etc.

Except as expressly provided herein, nothing in this Act affects the right of an **employer** to suspend, transfer, lay-off, or discharge an employee for proper and sufficient cause. **32 (1)(2).**

For more information:

- REPLACEMENT WORKERS. **Sections 94.1.**

Further details on the Labour Relations Act can be found at gov.mb.ca.

NEW BRUNSWICK

In New Brunswick, **employers must** comply with the **Industrial Relations Act Sections 3, 6, 9, and 51** to protect labour rights and uphold fair union relations. **Employers** are prohibited from interfering in union formation, discriminating against employees for union involvement, or using intimidation to influence union activity or votes. They **must** also honour authorized union dues deductions and treat applications for **employers**' organizations fairly and in good faith.

Employer and Employee Rights

(1) No **employer** or **employers**' organization, and no person acting on behalf of an **employer** or **employers**' organization, **shall** participate in or interfere with the formation, selection or administration of a trade union or council of trade unions or the representation of employees by a trade union or council of trade unions or contribute financial or other support to it, but, notwithstanding anything in this section, an **employer** may:

(a) make to a trade union donations to be used solely for the welfare of the members of the trade union and their dependents,

(b) permit an employee or representative of a trade union or council of trade unions to confer with him during working hours, or to attend to the business of a trade union or council of trade unions during working hours, without deduction of time so occupied in the computation of time worked for the **employer** and without deduction of wages in respect of the time so occupied,

(c) provide free transportation to representatives of a trade union or a council of trade unions for purposes of collective bargaining, the settlement of grievances, or an arbitration, and

(d) permit a trade union or council of trade unions to use the **employer**'s premises for the purposes of the trade union or council of trade unions.

(2) No **employer** or **employers**' organization, and no person acting on behalf of an **employer** or an **employers**' organization, **shall:**

(a) refuse to employ or to continue to employ any person, or discriminate against any person in regard to employment or any term or condition of employment, because the person is a member or officer of a trade union or council of trade unions,

(b) impose any condition in a written or verbal contract of employment seeking to restrain an employee or a person seeking employment from exercising his rights under this Act, or

(c) discharge an employee for the reason that:

(i) the employee is or proposes to become, or seeks to induce any other person to become, a member or officer of a trade union or council of trade unions, or

(ii) the employee participates in the promotion, formation, or administration of a trade union or council of trade unions.

(3) No **employer** or organization, and no person acting on behalf of an **employer** or an **employers**' organization, **shall** seek by intimidation, by dismissal, by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by a promise, or by a wage increase, or by altering any other term or condition of employment, or by any other means, to compel or to induce an employee to refrain from becoming, or to cease to be, a member or officer or representative of a trade union or council of trade unions, or to deprive an employee of his rights under this Act, and no other person **shall** seek by intimidation or coercion to compel or induce an employee to become or refrain from becoming or to cease to be a member or officer of a trade union or council of trade unions or to deprive an employee of his rights under this Act.

(4) No **employer** or **employers**' organization, and no person acting on behalf of an **employer** or **employers**' organization, **shall:**

(a) refuse to employ or continue to employ a person,

(b) threaten dismissal or otherwise threaten a person,

(c) discriminate against a person in regard to employment or a term or condition of employment, or

(d) intimidate or coerce or impose a pecuniary or other penalty on a person, because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be **required** of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

(5) Nothing in this Act **shall** be deemed to deprive an **employer** or an **employers**' organization, or a person acting on behalf of an **employer** or **employers**' organization, of freedom to express his or its views so long as he or it does not exercise that

freedom in a manner that is coercive, intimidating, threatening or intended to unduly influence any person.

(6) Except as expressly provided, nothing in this Act **shall** be interpreted to affect the right of an **employer** or an **employers'** organization to suspend, transfer, lay off or discharge an employee for proper cause.

(7) Where an application for certification has been made and notwithstanding the definition "employee", a person described in paragraph (a) of the definition "employee" is an employee for the purposes of subsections (2), (3) and (4) where he has, prior to being found by the Board to be excluded from the bargaining unit by virtue of paragraph (a) of the definition "employee", engaged in any of the activities described in subsections (2), (3), and (4). **Section 3 (1) to (7).**

For more information:

- Freedom from coercion, voting rights, offences re collective agreement. **Sections 6 (1) to (6).**
- Union dues. **Sections 9 (1) to (6).**
- Duties of employers' organizations. **Sections 51 (1)(2).**

Further details on the Industrial Relations Act can be found at laws.gnb.ca.

NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, **employers** are **required** to uphold fair labour practices under the **Labour Relations Act,** particularly **Sections 23 to 34. Employers must** not interfere with union formation, discriminate against employees for union involvement, or use threats, penalties, or coercion to influence union activity or discourage legal actions under the Act. They are also prohibited from retaliating during labour disputes or denying access to union representatives when employees work in isolated locations. These provisions are essential to protecting employee rights, ensuring freedom of association, and maintaining lawful and respectful labour relations in the workplace.

PART II – LABOUR RIGHTS AND PRACTICES

Unfair Labour Practices

(1) An **employer** or **employers'** organization, and a person acting on behalf of an **employer** or **employers'** organization, **shall** not:

(a) participate in or interfere with the selection, formation or administration of a trade union; or

(b) contribute financial or other support to a trade union.

(2) An **employer shall** not be held to contravene subsection (1) by reason only that the **employer:**

(a) in respect of a trade union or a council of trade unions that is the bargaining agent for a unit comprising or including employees of the **employer**,

(i) permits an employee or representative of that bargaining agent to confer with him or her during working hours or to attend to the business of the bargaining agent during working hours, without deduction of time so occupied, in the calculation of the time worked for the **employer** and without deduction of wages in respect of the

time so occupied,

(ii) provides free transportation to representatives of the bargaining agent for purposes of collective bargaining, the administration of a collective agreement and related matters, or

(iii) permits the bargaining agent to use his or her premises for the purposes of the bargaining agent; or

(b) contributes financial support to a pension, health or other welfare trust fund, the sole purpose of which is to provide pension, health or other welfare rights or benefits to employees. **Section 23 (1)(2).**

Discrimination and Restraints

(1) An **employer** and a person acting on behalf of an **employer shall** not:

(a) refuse to employ or to continue to employ a person, or otherwise discriminate against a person in regard to employment because that person is a member of a trade union; or

(b) impose conditions in a contract of employment seeking to restrain an employee from exercising his or her rights under this Act.

(2) An **employer** and a person acting on behalf of an **employer shall** not deny pension rights or benefits to which he or she would otherwise be entitled to an employee by reason only of his or her stopping work:

(a) as the result of a lockout, whether or not that lockout is prohibited under this Act;

(b) while taking part in a legal strike as a result of an industrial dispute after all steps provided or contemplated by law have been taken through collective bargaining and conciliation to settle the dispute; or

(c) by reason only of dismissal contrary to this Act. **Section 24 (1)(2).**

Prohibitions Relating to Employers

(1) An **employer** and a person acting on behalf of an **employer shall** not seek by intimidation, threat of dismissal or other kind of threat, or by the imposition of a monetary or other penalty or by other means to compel a person to refrain from becoming or to stop being a member, officer or representative of a trade union or to refrain from:

(a) testifying or otherwise participating in a proceeding under this Act or other law;

(b) making a disclosure that he or she may be **required** to make in a proceeding under this Act or other law;

(c) making an application or filing a complaint under this Act or other law; or

(d) exercising another right under this Act or other law.

(2) An **employer shall** not:

(a) discriminate against a person in regard to employment or conditions of employment; or

(b) suspend, discharge, or impose a financial or other penalty on a person employed by him or her or take other disciplinary action against that person, because of that person having become a member, officer or representative of a trade union or his or her having done any of the things referred to in paragraphs (1)(a) to (d).

(3) A person, whether or not he or she is an **employer**, **shall** not seek by intimidation or coercion to compel an employee to become or refrain from becoming or stop being a member of a trade union.

(4) Nothing in this section prevents an **employer** from expressing his or her views so long as the **employer** does not use coercion, intimidation, threats, promises or undue influence. **Section 25 (1) to (4).**

For more information:

- **Section 26.**
- Right to suspend. **Section 27.**
- Coercion and persuasion. **Section 28.**
- Organized slow-down. **Section 29.**
- Right to membership hearing. **Section 30.**
- Invalid provision. **Section 32.**
- Non-union employees' seniority. **Section 33.**
- Access order. **Section 34.**

Further details on the Labour Relations Act can be found at assembly.nl.ca.

NOVA SCOTIA

In Nova Scotia, **employers** are **required** to respect fair labour practices under the **Trade Union Act, Sections 5, and 53 to 55**, and the **Human Rights Act, Sections 5 and 6. Employers must** not interfere with union formation, representation, or administration, nor discriminate against employees for union membership, participation in legal strikes, or filing complaints. They **must** not impose contract conditions that limit employees' rights under the Act or retaliate against employees involved in proceedings.

UNFAIR PRACTICES

Prohibited Activities of Employer

(1) No **employer** and no person acting on behalf of an **employer shall:**

(a) participate in or interfere with the formation or administration of a trade union or the representation of employees by a trade union; or

(b) contribute financial or other support to a trade union.

(2) An **employer** is deemed not to contravene subsection (1) by reason only that he:

(a) in respect of a trade union that is the bargaining agent for a bargaining unit comprised of or including employees of the **employer**,

(i) permits an employee or representative of the trade union to confer with him during working hours or to attend to the business of the trade union during working hours without any deduction from wages or any deduction of time worked for the **employer**,

(ii) provides free transportation to representatives of the trade union for purposes of collective bargaining, the administration of a collective agreement and related matters, or

(iii) permits the trade union to use his premises for the purposes of the trade union; or

(b) contributes financial support to any pension, health or other welfare trust fund the sole purpose of which is to provide pension, health or other welfare rights or benefits to employees.

(3) No **employer** and no person acting on behalf of an **employer shall:**

(a) refuse to employ or to continue to employ any person or otherwise discriminate against any person in regard to employment or any term or condition of employment, because the person:

(i) is or was a member of a trade union,

(ii) has been expelled or suspended from membership in a trade union for a reason other than a failure to pay the periodic dues, assessments and initiation fees uniformly **required** to be paid by all members of the trade union as a condition of acquiring or retaining membership in the trade union,

(iii) has testified or otherwise participated or may testify or otherwise participate in a proceeding under this Act,

(iv) has made or is about to make a disclosure that he may be **required** to make in a proceeding under this Act,

(v) has made an application or filed a complaint under this Act,

(vi) has participated in a strike that is not prohibited by this Act or exercised any right under this Act;

(b) impose any condition in a contract of employment that restrains, or has the effect of restraining, an employee from exercising any right conferred upon him by this Act;

(c) suspend, discharge, or impose any financial or other penalty on an employee or take any other disciplinary action against an employee, by reason of his refusal to perform all or some of the duties and responsibilities of another employee who is participating in a strike that is not prohibited by this Act;

(d) deny to any employee any pension rights or accrued benefits to which the employee would be entitled but for:

(i) the cessation of work by the employee as the result of a lockout or strike that is not prohibited by this Act, or

(ii) the dismissal of the employee contrary to this Act;

(e) seek, by intimidation, threat of dismissal or any other kind of threat, by the imposition of a pecuniary or other penalty or by any other means, to compel a person to refrain from becoming or to cease to be a member, officer or representative of a trade union or to refrain from:

(i) testifying or otherwise participating in a proceeding under this Act,

(ii) making a disclosure that he may be **required** to make in a proceeding under this Act,

(iii) making an application or filing a complaint under this Act;

(f) suspend, discharge, or impose any financial or other penalty on a person employed by him, or take any other disciplinary action against such a person, by reason of that person having refused to perform an act prohibited by this Act; or

(g) bargain collectively for the purpose of entering into a collective agreement, or enter into a collective agreement with a trade union in respect of a bargaining unit if another trade union is the bargaining agent for that bargaining unit. **Section 53 (1) to (3).**

Human Rights Act

Prohibition of Discrimination

(1) No person **shall** in respect of:

(a) the provision of or access to services or facilities;

(b) accommodation;

(c) the purchase or sale of property;

(d) employment;

(e) volunteer public service;

(f) a publication, broadcast or advertisement;

(g) membership in a professional association, business or trade association, **employers**' organization or employees' organization, discriminate against an individual or class of individuals on account of

(h) age;

(i) race;

(j) colour;

(k) religion;

(l) creed;

(m) sex;

(n) sexual orientation;

(na) gender identity;

(nb) gender expression;

(o) physical disability or mental disability;

(p) an irrational fear of contracting an illness or disease;

(q) ethnic, national or aboriginal origin;

(r) family status;

(s) marital status;

(t) source of income;

(u) political belief, affiliation or activity;

(v) that individual's association with another individual or class of individuals having characteristics referred to in clauses (h) to (u).

(2) No person **shall** sexually harass an individual.

(3) No person **shall** harass an individual or group with respect to a prohibited ground of discrimination. **Section 5 (1) to (3).**

For more information:

- Trade Union Act. **Section 5.**
- Prohibited activities of union. **Section 54.**
- Complaint of failure to comply with Section 53 or 54. **Section 55.**
- Human Rights Act – Exceptions. **Section 6 (a) to (i).**

Further details on the Trade Union Act and Human Rights Act.

NORTHWEST TERRITORIES

In the Northwest Territories, **employers** are **required** to prevent workplace harassment and retaliation under the **Human Rights Act, Sections 14 to 17**. **Employers must** ensure that no employee is harassed—defined as unwelcome vexatious conduct—on any prohibited ground of discrimination in matters related to employment. They **must** also avoid retaliating against individuals who file complaints, provide evidence, or assist in investigations under the Act.

Harassment

(1) No person **shall**, on the basis of a prohibited ground of discrimination, harass any individual or class of individuals:

(a) in the provision of goods, services, facilities or accommodation;

(b) in the provision of commercial premises or residential accommodation; or

(c) in matters related to employment.

Definition: "Harass"

(2) In subsection (1), "**harass**", in respect of an individual or class of individuals, means engage in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome by the individual or class. **Section 14 (1)(2).**

Discharge, Suspension, and intimidation

No person **shall** discharge, expel, evict, suspend, intimidate, coerce, impose any pecuniary penalty on, deny a right or benefit to or otherwise retaliate against any individual because the individual:

(a) has made or attempted to make a complaint under this Act;

(b) has given evidence or otherwise participated in, or may give evidence or otherwise participate in, a proceeding under this Act; or

(c) has assisted in any way in

(i) making or attempting to make a complaint under this Act, or

(ii) the settlement, investigation or adjudication of a complaint under this Act. **Section 15.**

PART 3 – HUMAN RIGHTS COMMISSION

Establishment and Composition

Commission Established

(1) The Northwest Territories Human Rights Commission is established.

Members

(2) The Commission is composed of such members, between three and five in number, as may be appointed by the Commissioner on the recommendation of the Legislative Assembly.

Qualifications

(3) A person appointed as a member of the Commission **must** have experience and an interest in, and a sensitivity to, human rights. **Section 16 (1) to (3).**

Term of office

(1) A Commission member holds office during good behaviour for a term of four years and may be reappointed for subsequent terms.

Resignation

(2) A Commission member may resign at any time by notifying the Speaker in writing or, if the Speaker is absent or unable to act or the office of the Speaker is vacant, by notifying the Clerk in writing.

Suspension or Removal for Cause or Incapacity

(3) The Commissioner, on the recommendation of the Legislative Assembly, may, for cause or incapacity, suspend a Commission member or remove a Commission member from office.

Suspension when Legislative Assembly not Sitting

(4) If the Legislative Assembly is not sitting, the Speaker, on the recommendation of the Board of Management, may, for cause or incapacity, suspend a Commission member, and the suspension remains in effect until the earliest of the following occurs:

(a) the conclusion of the next sitting of the Legislative Assembly;

(b) the Legislative Assembly revokes the suspension or removes the Commission member from office.

Appointment when Legislative Assembly not Sitting

(5) If the Legislative Assembly is not sitting and the number of Commission members falls below three, the Speaker, on the recommendation of the Board of Management, may appoint a person to serve as a Commission member until the earliest of the following occurs:

(a) the conclusion of the next sitting of the Legislative Assembly;

(b) the person is appointed as a Commission member by the Legislative Assembly under subsection 16(2). **Section 17 (1) to (5).**

For more information:

- Terms of appointment, honoraria, travel, and expenses. **Sections 17 (6)(7)(8).**

Further details on the Human Rights Act can be found at gov.nt.ca.

NUNAVUT

In Nunavut, **employers must** comply with the **Human Rights Act, Sections 7, 9, 10, and 11**, by ensuring fair treatment in employment and labour relations. They are prohibited from discriminating in hiring, conditions of employment, or union involvement based on protected grounds such as race, sex, or disability. **Employers must** also accommodate employee needs unless doing so causes undue hardship, reinforcing their duty to maintain inclusive and non-discriminatory workplaces.

PART 2 – PROHIBITIONS

Prohibited Grounds of Discrimination and Intent

Prohibited Grounds of Discrimination

(1) For the purposes of this Act, the prohibited grounds of discrimination are race, colour, ancestry, ethnic origin, citizenship, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, gender expression, marital status, family status, pregnancy, lawful source of income and a conviction for which a pardon has been granted.

Affirmative Action Programs

(2) Nothing in this Act precludes any law, program or activity that has as its objective the amelioration of conditions of disadvantaged individuals or groups, including those who are disadvantaged because of any characteristic referred to in subsection (1), and that achieves or is likely to achieve that objective.

Previously Approved Programs

(3) Any program designed to promote the welfare of any class of individuals that was approved under section 9 of the Fair Practices Act, R.S.N.W.T. 1988, c.F-2, is deemed, for the purposes of subsection (1), to be a program that has as its objective the amelioration of conditions of disadvantaged individuals or groups and that achieves or is likely to achieve that objective.

Pregnancy and Adoption

(4) Whenever this Act protects an individual from discrimination on the basis of sex, the protection includes, without limitation,

(a) the protection of a female from discrimination on the basis that she may become pregnant or may adopt a child; and

(b) the protection of a male from discrimination on the basis that he may adopt a child.

Multiple Grounds, Association

(5) Whenever this Act protects an individual from discrimination on the basis of a prohibited ground of discrimination, it also protects the individual from discrimination on the basis of:

(a) two or more prohibited grounds of discrimination or the effect of a combination of prohibited grounds; and

(b) the individual's association or relationship, whether actual or perceived, with an individual or class of individuals identified by a prohibited ground of discrimination.

Harassment

(6) No person **shall**, on the basis of a prohibited ground of discrimination, harass any individual or class of individuals:

(a) in the provision of goods, services, facilities, or contracts;

(b) in the provision of commercial premises or residential accommodation;

(c) in matters related to employment; or

(d) in matters related to membership in an employees' organization, trade union, trade association, occupational or professional association or society, **employers**' organization or co-operative association or organization. **Section 7 (1) to (6).**

Employment

(1) No person **shall**, on the basis of a prohibited ground of discrimination,

(a) refuse to employ or refuse to continue to employ an individual or a class of individuals; or

(b) discriminate against any individual or class of individuals in regard to employment or any term or condition of employment, whether the term or condition was prior to or is subsequent to the employment.

Retirement, Pension, and Insurance Plans

(2) In respect of the age and marital status of an individual or a class of individuals, subsection (1) does not affect the operation of any genuine retirement or pension plan, or the terms and conditions of any genuine group or employee insurance plan.

Genuine Retirement or Pension Plan

(3) For the purposes of subsection (2), a genuine retirement or pension plan is one that is established in accordance with an Act of Canada or Nunavut.

Justified Occupational Requirement

(4) Subsection (1) does not apply with respect to a practice based on a justified occupational requirement.

Duty to Accommodate

(5) When a practice referred to in subsection (1) results in discrimination, in order for it to be considered to be based on a justified occupational requirement, it **must** be established that accommodation of the needs of an individual or class of individuals affected would impose undue hardship on a person who would have to accommodate those needs. **Section 9 (1) to (5).**

For more information:

- Employment applications and advertisements. **Sections 10 (1) to (3).**
- Organization and Associations. **Sections 11 (1)(2).**

Further details on the Human Rights Act can be found at nunavutlegislation.ca.

ONTARIO

In Ontario, **employers must** uphold workers' rights under the **Labour Relations Act, Sections 5, 70, 72, 74, and 76**. These sections prohibit **employers** from interfering with the formation or administration of trade unions or retaliating against employees for union membership or the exercise of legal rights. **Employers** are responsible for ensuring that employment conditions do not restrict union involvement and **must** avoid coercion, intimidation, or threats.

Freedoms

Membership in Trade Union

Every person is free to join a trade union of the person's own choice and to participate in its lawful activities. **Section 5.**

Unfair Practices

Employers, etc., Not to Interfere with Unions

No **employer** or **employers'** organization and no person acting on behalf of an **employer** or an **employers'** organization **shall** participate in or interfere with the formation, selection or administration of a trade union or the representation of employees by a trade union or contribute financial or other support to a trade union, but nothing in this section **shall** be deemed to deprive an **employer** of the **employer**'s freedom to express views so long as the **employer** does not use coercion, intimidation, threats, promises or undue influence. **Section 70.**

Employers not to Interfere with Employees' Rights

No **employer**, **employers'** organization or person acting on behalf of an **employer** or an **employers'** organization,

(a) **shall** refuse to employ or to continue to employ a person, or discriminate against a person in regard to employment or any term or condition of employment because the person was or is a member of a trade union or was or is exercising any other rights under this Act;

(b) **shall** impose any condition in a contract of employment or propose the imposition of any condition in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of a trade union or exercising any other rights under this Act; or

(c) **shall** seek by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to become or refrain from becoming or to continue to be or to cease to be a member or officer or representative of a trade union or to cease to exercise any other rights under this Act. **Section 72.**

Duty of Fair Representation by Trade Union, etc.

A trade union or council of trade unions, so long as it continues to be entitled to represent employees in a bargaining unit, **shall** not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any constituent union of the council of trade unions, as the case may be. **Section 74.**

Intimidation and Coercion

No person, trade union or **employers**' organization **shall** seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of a trade union or of an **employers**' organization or to refrain from exercising any other rights under this Act or from performing any obligations under this Act. **Section 76.**

Further details on the Labour Relations Act can be found at ontario.ca.

PRINCE EDWARD ISLAND

In Newfoundland and Labrador, **employers** are responsible for respecting workers' labour rights under the **Labour Act, Sections 2, 9, 10, and 11**. These provisions protect employees' freedom to join trade unions and prohibit **employers** from interfering with union activities, discriminating based on union membership, or refusing to employ individuals for exercising their rights. **Employers must** reinstate workers after lawful strikes or lockouts and may not impose penalties or changes in employment status for union involvement. If unfair labour practices occur, the **Labour Relations Board** can order remedies such as reinstatement, back pay, or cessation of discriminatory practices.

Administration of Act

The Minister **shall** be charged with the administration of this Act. **Section 2.**

Right to Join Trade Union

(1) Every employee has the right to be a member of a trade union and to participate in the lawful activities thereof.

Effect of Lockout or Strike on Employee

(2) No person ceases to be an employee within the meaning of this Part by reason only of his ceasing to work as the result of a lockout or lawful strike or by reason only of dismissal contrary to this Part or to a collective agreement.

Reinstatement of Employees

(3) Where employees go on strike or are locked out in circumstances permitted by section 41, they are entitled, subject to subsection (4), upon the termination of the strike or lockout to return to and be reinstated in their employment without discrimination and subject to the terms and conditions of employment applicable on the termination of the strike or lockout.

Exceptions

(4) An **employer** is not obliged under subsection (3) to reinstate particular employees where the business of the **employer** has declined with the result that the **employer:**

(a) no longer has persons engaged in performing work of the same or similar nature to work which those employees performed prior to the strike or lockout; or

(b) has suspended or discontinued the operations performed by those employees prior to the strike or lockout, but if the **employer** resumes those operations, he **shall** first reinstate those employees.

Replacement of Employees

(5) Replacement persons engaged by an **employer** to fill the positions of employees of the **employer** who are on strike or are locked out, in circumstances permitted by section 41, **shall** be considered temporary employees for the duration of the strike or lockout, and upon the termination of the strike or lockout, the employment of the persons engaged to replace the employees **shall**, without notice, be deemed to be terminated, subject only to the terms and conditions of any agreement relating to the return to work of the striking or locked out employees.

Right to Join Employers' Organization

(6) Every **employer** has the right to be a member of an **employers**' organization and to participate in the lawful activities thereof.

Certain Rights of Employer Not Affected

(7) Nothing in this Part restricts or interferes with the right of an **employer** to suspend, transfer, lay off, or discharge employees for just cause.

Certain Employer Freedoms Retained

(8) Nothing in this Part **shall** be deemed to deprive an **employer** of his freedom:

(a) to express his views on collective bargaining, or the terms and conditions of employment, so long as he does not use coercion, intimidation, threats, or undue influence;

(b) to permit an employee or the bargaining committee or officers or other representatives of a trade union to confer with him or to attend to the business of a trade union without deduction of wages for loss of time so occupied;

(c) to provide free transportation to representatives of a trade union for purposes of collective bargaining; or

(d) to permit a trade union the use of the **employers**' premises for the purposes of the trade union.

Granting Preference in Collective Agreement

(9) Nothing in this Part prohibits the parties to a collective agreement from inserting in the collective agreement a provision granting preference of employment to members of a specified trade union or requiring as a condition of employment membership in or the payment of dues or contributions to a specified trade union but no bargaining agent **shall** require an **employer** to discharge an employee for non-membership in such trade union, if membership is not available to the employee on the same terms and conditions generally applicable to other members. **Section 9 (1) to (9).**

For more information:

- Employer unfair labour practices. **Sections 10 (1)(2).**
- Unfair labour practices complaint. **Sections 11 (1) to (5).**

Further details on the Labour Act can be found at canlii.org.

QUÉBEC

In Quebec, **employers** are responsible for respecting workers' rights to freedom of association under the **Labour Code, Sections 3, 12, 13, 14, and 15**. **Employers must** not interfere with or dominate employee associations, nor may they intimidate, discriminate, or retaliate against employees for union involvement or the exercise of their rights under the Code. Refusing to hire, threatening dismissal, or applying sanctions due to union activity is prohibited, and **employers** bear the burden of proving just cause for any disciplinary action. If a violation occurs, the Tribunal can order reinstatement, payment of lost wages and benefits, and cancellation of discriminatory actions.

CHAPTER II — ASSOCIATIONS

DIVISION I — RIGHT OF ASSOCIATION

Every employee has the right to belong to the association of employees of his choice, and to participate in the formation, activities, and management of such association. **Section 3.**

No **employer**, or person acting for an **employer** or an association of **employers**, **shall** in any manner seek to dominate, hinder, or finance the formation or the activities of any association of employees, or to participate therein.

No association of employees, or person acting on behalf of any such organization, **shall** belong to an association of **employers** or seek to dominate, hinder or finance the formation or activities of any such association, or to participate therein. **Section 12.**

No person **shall** use intimidation or threats to induce anyone to become, refrain from becoming, or cease to be a member of an association of employees or an **employers'** association. **Section 13.**

No **employer** nor any person acting for an **employer** or an **employers'** association may refuse to employ any person because that person exercises a right arising from this Code, or endeavour by intimidation, discrimination, or reprisals, threat of dismissal or other threat, or by the imposition of a sanction or by any other means, to compel an employee to refrain from or to cease exercising a right arising from this Code.

This section **shall** not have the effect of preventing an **employer** from suspending,

dismissing or transferring an employee for a good and sufficient reason, proof whereof **shall** devolve upon the said **employer**. **Section 14.**

Where an **employer** or a person acting for an **employer** or an **employers'** association dismisses, suspends or transfers an employee, practises discrimination or takes reprisals against him or imposes any other sanction upon him because the employee exercises a right arising from this Code, the Tribunal may:

(a) order the **employer** or a person acting for an **employer** or an **employers'** association to reinstate such employee in his employment, within eight days of the service of the decision, with all his rights and privileges, and to pay him as an indemnity the equivalent of the salary and other benefits of which he was deprived due to dismissal, suspension or transfer.

That indemnity is due in respect of the whole period comprised between the time of dismissal, suspension or transfer and that of the carrying out of the order, or the default of the employee to resume his employment after having been duly recalled by his **employer**.

If the employee has worked elsewhere during the above mentioned period, the salary which he so earned **shall** be deducted from such indemnity;

(b) order the **employer** or the person acting for an **employer** or an **employers'** association to cancel the sanction or to cease practising discrimination or taking reprisals against the employee and to pay him as an indemnity the equivalent of the salary and other benefits of which he was deprived due to the sanction, discrimination or reprisals. **Section 15.**

Further details on the Quebec Labour Code can be found at gouv.qc.ca.

SASKATCHEWAN

In Saskatchewan, **employers must** respect workers' rights to unionize and bargain collectively as outlined in the **Saskatchewan Employment Act, Sections 6-4 to 6-7, 6-59, 6-62 and 6-63**. **Employers** are prohibited from interfering with union formation, intimidating employees, or taking discriminatory actions such as dismissal or demotion due to union involvement or the exercise of rights under the Act. They **must** engage in good faith bargaining and avoid unilateral changes to employment conditions during negotiations. If a union is certified, **employers must** respect union representation and ensure fair treatment.

DIVISION 2 – Rights, Duties, Obligations, and Prohibitions

Right to Form and Join a Union and to be a Member of a Union

(1) Employees have the right to organize in and to form, join or assist unions and to engage in collective bargaining through a union of their own choosing.

(2) No employee **shall** unreasonably be denied membership in a union. **Section 6-4 (1)(2).**

Coercion and Intimidation Prohibited

No person **shall** use coercion or intimidation of any kind that could reasonably have the effect of compelling or inducing a person to become or to refrain from becoming or to continue to be or to cease to be a member of a union. **Section 6-5.**

Certain Actions Against Employees Prohibited

(1) No person **shall** do any of the things mentioned in subsection (2) against another person:

(a) because of a belief that the other person may testify in a proceeding pursuant to this Part;

(b) because the person has made or is about to make a disclosure that may be **required** of the person in a proceeding pursuant to this Part;

(c) because the person has made an application, filed a complaint or otherwise exercised a right conferred pursuant to this Part; or

(d) because the person has participated or is about to participate in a proceeding pursuant to this Part.

(2) In the circumstances mentioned in subsection (1), no person **shall** do any of the following:

(a) refuse to employ or refuse to continue to employ a person;

(b) threaten termination of employment or otherwise threaten a person;

(c) discriminate against or threaten to discriminate against a person with respect to employment or a term or condition of employment or membership in a union;

(d) intimidate or coerce or impose a pecuniary or other penalty on a person. **Section 6-6 (1)(2).**

Good Faith Bargaining

Every union and **employer shall**, in good faith, engage in collective bargaining in the time and in the manner **required** pursuant to this Part or by an order of the board. **Section 6-7.**

DIVISION 11 – Unions and Union Members

Fair Representation

(1) An employee who is or a former employee who was a member of the union has a right to be fairly represented by the union that is or was the employee's or former employee's bargaining agent with respect to the employee's or former employee's rights pursuant to a collective agreement or this Part.

(2) Without restricting the generality of subsection (1), a union **shall** not act in a manner that is arbitrary, discriminatory or in bad faith in considering whether to represent or in representing an employee or former employee. **Section 6-59 (1)(2).**

For more information:

- DIVISION 12 – Unfair Labour Practices – Unfair labour practices – employers. **Sections 6-62 (1) to (7).**
- Unfair labour practices – unions, employees. **Sections 6-63 (1)(2).**

Further details on the Saskatchewan Employment Act can be found at saskatchewan.ca.

YUKON TERRITORY

In Yukon, under the **Human Rights Act**, **Sections 7 to 11**, **employers** are responsible for ensuring fair labour practices by prohibiting discrimination in employment based on factors like race, sex, disability, or political belief. They **must** also accommodate employees' special needs unless it causes undue hardship, and avoid any form of discriminatory hiring, treatment, or union-related interference.

PART 2 – DISCRIMINATORY PRACTICES

Prohibited Grounds

It is discrimination to treat any individual or group unfavourably on any of the following grounds:

(a) ancestry, including colour and race;

(b) national origin;

(c) ethnic or linguistic background or origin;

(d) religion or creed, or religious belief, religious association, or religious activity;

(e) age;

(f) sex, including pregnancy, and pregnancy related conditions;

(f.01) gender identity or gender expression;

(g) sexual orientation;

(h) physical or mental disability;

(i) criminal charges or criminal record;

(j) political belief, political association, or political activity;

(k) marital or family status;

(l) source of income;

(m) actual or presumed association with other individuals or groups whose identity or membership is determined by any of the grounds listed in paragraphs (a) to (l).
Section 7 (a) to (m).

Duty to Provide for Special Needs

(1) Every person has a responsibility to make reasonable provisions in connection with employment, accommodations, and services for the special needs of others if those special needs arise from physical disability, but this duty does not exist if making the provisions would result in undue hardship.

(2) For the purposes of subsection (1) "undue hardship" **shall** be determined by balancing the advantages and disadvantages of the provisions by reference to factors such as:

(a) safety;

(b) disruption to the public;

(c) effect on contractual obligations;

(d) financial cost;

(e) business efficiency.

(3) This Act does not apply to structures which at the commencement of this Act were existing and complied with the applicable requirements of the Building Standards Act and regulations under that Act. **Section 8 (1) to (3).**

Prohibited Discrimination

No person **shall** discriminate:

(a) when offering or providing services, goods, or facilities to the public;

(b) in connection with any aspect of employment or application for employment;

(c) in connection with any aspect of membership in or representation by any trade union, trade association, occupational association, or professional association;

(d) in connection with any aspect of the occupancy, possession, lease, or sale of property offered to the public;

(e) in the negotiation or performance of any contract that is offered to or for which offers are invited from the public. **Section 9 (a) to (e).**

Reasonable Cause

It is not discrimination if treatment is based on:

(a) reasonable requirements or qualifications for the employment;

(b) a criminal record or criminal charges relevant to the employment;

(c) sex, so as to respect the privacy of the people to whom accommodations or a service or facility is offered; or

(d) other factors establishing reasonable cause for the discrimination. **Section 10 (a) to (d).**

For more information:

- **Sections 11 (1) to (4).**

Further details on the Human Rights Act can be found at yukon.ca.