Construction Projects
Labour-management Relations Act

CHAPTER 90
OF THE
REVISED STATUTES, 1989

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An Act to Provide for the Stabilization of Labour-management Relations Affecting Certain Construction Projects

Short title

1 This Act may be cited as the Construction Projects Labour-management Relations Act. R.S., c. 90, s. 1.

INTERPRETATION

Interpretation

2 (1) In this Act,

(a) "construction contractor" means a person who undertakes a construction project, whether for his own benefit or for the benefit of another, or who enters into a contract, agreement or other arrangement whereby he agrees to undertake a construction project;

(b) "construction industry" means the constructing, erecting, altering, decorating, repairing, improving or demolishing of buildings, structures, roads, sewers, water mains, pipelines, tunnels, shafts, bridges, wharves, piers, canals or other works;

(c) "construction project" means an industrial project in the construction industry, the total projected cost or value of which is expected to exceed five million dollars and which is expected to involve the employment of persons who are represented by three or more trade unions;
(d) "construction subcontractor" means a person who enters a contract, agreement or other arrangement with a construction contractor or with a person who has a contract, agreement or other arrangement with a construction contractor for the performance of any construction work on a construction project;

(e) "employee" means an employee as defined in the *Trade Union Act* who is employed or engaged by a construction contractor or a construction subcontractor;

(f) "Minister" means the Minister of Labour;

(g) "trade union" means a trade union as defined in the *Trade Union Act* that regulates relations between a construction contractor or a construction subcontractor and employees, and includes a council of trade unions;

(h) "work stoppage" means any discontinuance or cessation of all or any part of the normal work or activity carried on by a construction contractor or a construction subcontractor and employees on a construction project, except termination of all or any part of the construction project or a stoppage in work that is agreed upon by the construction contractor or construction subcontractor and employees or that is permitted by this Act or required by or under an enactment.

**Trade Union Act terms**

(2) In this Act, "collective bargaining", "collective agreement", "strike" and "lockout" and any other term used but not defined in this Act and defined in the *Trade Union Act* have the same meaning as defined in the *Trade Union Act*. R.S., c. 90, s. 2.

**NOTIFICATION OF CONSTRUCTION PROJECT**

**Notice to Minister**

3 (1) When a construction contractor decides to undertake a construction project or enters into a contract, agreement or other arrangement whereby he agrees to undertake a construction project, the construction contractor shall forthwith deliver to the Minister a notice in writing containing

(a) sufficient information to identify the construction contractor, the person for whose benefit the construction project is being undertaken, if any, and the construction subcontractors, if known;

(b) an estimate of the total projected cost or value of the construction project;

(c) sufficient information accompanied by plans, if necessary, to indicate the various kinds of work involved in the construction project; and

(d) the trades that are or may be involved in the construction project.

**Publication of notice**

(2) The Minister shall cause to be published a notification in the form the Minister determines to be appropriate, indicating the intention of the construction contractor to commence the construction project and containing a list of the trades involved in the construction project.

**Trades involved in construction project**

(3) Subject to Section 4, the trades appearing in the list contained in the notification published pursuant to subsection (2) are deemed to be the trades involved in the construction project for the purpose of this Act.
Conference

(4) When the notification is published pursuant to subsection (2), the Minister shall call a conference to assist in the advancement of labour-management relations with respect to the construction project and shall request the attendance at the conference of the construction contractor, any construction subcontractors and the trade unions representing the trades involved in the construction project.

Collection agreement prior to project commencement

(5) No construction contractor shall commence a construction project until the trade unions representing the majority of the trades involved in the construction project have entered into collective agreements with respect to the construction project or have collective agreements that

(a) are binding upon the construction contractor or construction subcontractor, the trade union and the employees represented by the trade union; and

(b) relate to, or were entered into in contemplation of, the construction project. R.S., c. 90, s. 3.

DETERMINATION OF QUESTIONS

Application for determination

4 (1) When a question arises respecting the projected cost or value of an industrial project in the construction industry or whether a construction contractor has complied with subsection (5) of Section 3, any person may apply to the Construction Industry Panel of the Labour Relations Board (Nova Scotia) for a determination of the question.

Power and authority of Panel

(2) Where an application is made to the Construction Industry Panel of the Labour Relations Board (Nova Scotia) pursuant to subsection (1), the Panel has power and authority to determine the question and the Panel shall, if the construction contractor has not complied with subsection (5) of Section 3, make an order requiring the construction contractor to comply with subsection (5) of Section 3 in the manner determined in the order.

Rules and practice

(3) In an application under this Section, the rules, regulations and practice applicable to applications and other proceedings before the Construction Industry Panel of the Labour Relations Board (Nova Scotia) apply mutatis mutandis. R.S., c. 90, s. 4.

TERM OF COLLECTIVE AGREEMENT

"collective agreement" defined

5 (1) In this Section, "collective agreement" means a collective agreement as defined in the Trade Union Act that was entered into with respect to the construction project or that relates to or was entered into in contemplation of the construction project.

Minimum term

(2) Where a construction project is commenced, any collective agreement that is in force on the day of commencement remains in full force and effect, notwithstanding any provision in the collective agreement or in any enactment to the contrary, at least until

(a) the completion of the construction project or three years from the day of commencement, whichever
(b) the collective agreement is superseded by a new collective agreement.

**Superseding agreement**

(3) A collective agreement superseding a collective agreement that was in force on the day a construction project was commenced or superseding a further collective agreement also remains in full force and effect, notwithstanding any provision in the collective agreement or in any enactment to the contrary, at least until

(a) the completion of the construction project or three years from the date of commencement of the collective agreement, whichever is earlier; or

(b) the collective agreement is superseded by a new collective agreement. R.S., c. 90, s. 5.

**WORK STOPPAGES**

**Prohibition**

6 No construction contractor, construction subcontractor, trade union, officer or agent of a trade union, employee or other person shall call, declare, direct, authorize, engage in, participate in or otherwise aid, abet, counsel or procure a work stoppage by any means whatsoever, including the picketing of the site of the construction project. R.S., c. 90, s. 6.

**COLLECTIVE BARGAINING**

**Duty to bargain collectively**

7 When a trade union is or becomes involved in a construction project and has not entered into a collective agreement with respect to the construction project or does not have a collective agreement that relates to or was entered into in contemplation of the construction project, the trade union and the construction contractor or the construction subcontractor or someone on their behalf shall bargain collectively with a view to arriving at a collective agreement in accordance with the *Trade Union Act*. R.S., c. 90, s. 7.

**OFFENCES**

**Picketing**

8 (1) Where a majority of the trade unions involved in a construction project have collective agreements as defined in subsection (1) of Section 5, every person who pickets the site of a construction project is guilty of an offence and is liable to a penalty not exceeding one thousand dollars.

**Failure or refusal to comply**

(2) Every person who fails or refuses to comply with an order of the Construction Industry Panel of the Labour Relations Board (Nova Scotia) made pursuant to subsection (2) of Section 4 is guilty of an offence and is liable on summary conviction to a penalty not exceeding one thousand dollars in the case of an individual or ten thousand dollars in any other case.

**Separate offence**

(3) Each day that a person commits an offence under subsection (1) or (2) constitutes a separate offence.

**Two or more counts in information**
(4) An information charging an offence under subsection (1) or (2) may contain two or more counts charging the offence on each day that it was alleged to be committed.

"person" defined

(5) In this Section, "person" includes a trade union and an employers organization, and a prosecution may be brought against a trade union or an employers organization in the name of the trade union or employers organization and for the purpose of such a prosecution a trade union or employers organization is deemed to be a person, and any act or thing done or omitted by an officer or agent of a trade union or employers organization is deemed to be an act or thing done or omitted by the trade union or employers organization. R.S., c. 90, s. 8.

CONFLICT

Act prevails

9 (1) Where there is any conflict between this Act and the Trade Union Act, this Act governs.

Binding of Crown

(2) This Act binds Her Majesty and any agent of Her Majesty. R.S., c. 90, s. 9.

PROCLAMATION

Proclamation

10 (1) This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation.

Partial proclamation and revocation

(2) A proclamation made under this Section may

(a) make this Act or any Section of this Act applicable to the whole or any part of the Province;

(b) be suspended or revoked by the Governor in Council. R.S., c. 90, s. 10.

NOTE - By order in council dated August 31, 1971, this Act is in force in Pictou County.