

Swan & Swinton

---

Studies  
in  
Labour  
Law

---

Butterworths

# **Studies in Labour Law**

*Edited by*

**Kenneth P. Swan**

*Professor of Law*

*Faculty of Law, Queen's University*

**Katherine E. Swinton**

*Associate Professor of Law*

*Faculty of Law, University of Toronto*

**TORONTO**

**BUTTERWORTHS**

## **Studies in Labour Law**

© 1983 Butterworth & Co. (Canada) Ltd.

All rights reserved. No part of this publication may be produced, stored in a retrieval system, or transmitted, in any form or by any means, photocopying, electronic, mechanical, recording, or otherwise, without the prior written permission of the copyright holder.

**Printed and bound in Canada by John Deyell Company**

## **The Butterworth Group of Companies**

### *Canada:*

Butterworth & Co. (Canada) Ltd., Toronto and Vancouver

### *United Kingdom:*

Butterworth & Co. (Publishers) Ltd., London

### *Australia:*

Butterworths Pty. Ltd., Sydney

### *New Zealand:*

Butterworth of New Zealand Ltd., Wellington

### *South Africa:*

Butterworth & Co. (South Africa) Ltd., Durban

### *United States:*

Butterworth Legal Publishers, Boston

Butterworth Legal Publishers, Seattle

Butterworth Legal Publishers, Austin

Mason Publishing Company, St. Paul

D & S Publishers, Clearwater

## **Canadian Cataloguing in Publication Data**

Main entry under title:

Studies in labour law

(Canadian legal studies series)

ISBN 0-409-87129-X

1. Labour laws and legislation — Canada — Addresses, essays, lectures. I. Swan, Kenneth P., 1942-

II. Swinton, Katherine. III. Series.

KE3109.5.S78

344.71'01

C82-094806-3

## **Données de catalogage avant publication (Canada)**

Vedette principale au titre:

Studies in labour law

(Canadian legal studies series)

ISBN 0-409-87129-X

1. Travail — Droit — Canada — Discours, essais, conférences. I. Swan, Kenneth P., 1942-

II. Swinton, Katherine. III. Collection.

KE3109.5.S78

344.71'01

C82-094806-3F

## Preface

---

The motivation for this book arose from a conclusion that several recent developments in Canadian labour law had not yet received adequate attention in the legal literature. While there is no dearth of sound writing on labour law, it seemed to us that there had been inadequate attention paid to several themes which had recently emerged: first, the increasing degree of statutory regulation of the employment relationship, whether through human rights legislation, employment standards, or occupational health and safety laws, and the effect of such regulation on collective bargaining; second, the increasing concern for individual rights under the collective agreement and methods for balancing individual and collective rights; third, the expanded scope of labour relations boards' authority to supervise the collective bargaining relationship and to provide more effective remedies for unfair labour practices; and, finally, the apparent development of a deferential judicial attitude to labour boards and arbitrators in the Supreme Court of Canada's recent decisions on judicial review. A book of studies addressing these issues seemed to be a worthwhile method of proceeding, for it could draw on the expertise and viewpoints of contributors with different backgrounds from various parts of the country.

Once we had received the tentative blessing of our publishers, we proceeded to seek out contributors. Not all of those whom we would have liked to have participate were able to accept our invitation, nor were we able even to invite everyone who could have made a significant contribution. We were able, however, to attract a mixture of excellent scholars in the end, both from senior administrative positions and from academe, who have been thoughtful and loyal colleagues throughout the years of preparation of this book. They have responded to our deadlines with the usual cheerful disregard, but have nevertheless kept remarkably close to our schedule. They have been firm in resisting some of our editorial intrusions, but have been gracious in accepting many others. We have enjoyed the opportunity to work closely with all of them on this project.

The structure of the book reflects a combination of circumstances and design. The choice of the article to begin, was Kenneth Swan's study of the recent changes in attitudes to judicial review of labour arbitration in the Supreme Court of Canada, in part because it does not need to fit into any other particular place in the order, and because it would have seemed churlish to force someone else out onto the stage first. As well, it discusses an issue, judicial deference, which we thought initially would make a significant change in labour law in the 1980s, and which may yet. Because the study discusses the

relationships among the dispute resolution institutions involved in labour law, it also provides an early opportunity to look at the structure of decision-making within which labour law develops.

The next two studies, Donald Carter's view of the impact of bad faith bargaining remedies on the substantial outcome of negotiations, and George Adams's look at the other implications of the expanded remedial authority vested in the labour relations boards, offer an opportunity to look at the tribunals which administer most of our labour relations statutes, and to assess the impact of their closer involvement with disputes and the parties to those disputes. The importance of the series of cases in which the Ontario Labour Relations Board has defined and exercised its plenary remedial authority has made the participation, as contributors, of both a former and the present Chairman of that Board ideal for our purposes.

Only one legislature has maintained a significant original jurisdiction for a judicial body in its labour relations statute, and we thus sought out the study by Pierre Verge and Gaston Nadeau on that institution, the Quebec Labour Court. As the fourth in our group of institutional studies, it provides a valuable insight into the operation of a tribunal designed differently from any other tribunal that is now established elsewhere in Canada, and the authors' comparative perspective draws valuable contrasts with the administrative tribunals used elsewhere.

At this point, the studies begin to shift from institutional considerations to substantive areas of law, but the shift is a gradual one. The editors' joint study is primarily institutional in nature, focusing on the interaction of human rights tribunals, arbitration, and judicial relief, but like the one that follows on occupational health and safety laws, it reflects our shared view that statutory schemes directly related to employment are having a more and more important influence on collective bargaining. While we focus on institutional design and choice of forum issues, therefore, our secondary purpose is to demonstrate how important human rights legislation is becoming to the participants in collective bargaining and the tribunals to which they resort. Similarly, Katherine Swinton's study describes the development of occupational health and safety legislation and explores the impact of the new statutory rights and new dispute resolution structures which that legislation introduces into the collective bargaining process. She notes that the new enforcement mechanisms will work best in a unionized setting, but concludes that collective bargaining and direct regulation are still needed to ensure adequate protection of employee health.

The next two papers explore another area in which there has been considerable interest and activity in recent years, the relationship of individuals to their union. Drawing on the traditional jurisprudence, but concentrating on a number of recent cases which have either expanded or declined to expand the doctrine, Richard Brown's study of the duty of fair representation discusses the vitality of this statutory concept and offers a general theory for its elaboration and application. James Dorsey, whose decisions in the Canada Labour Relations Board have already contributed a great deal to this area of the law, expounds a

theory for the supervision of internal union affairs that proposes new initiatives for the vindication of individual rights within the collectivity.

The authors of the final pair of studies go a little farther from the beaten path than do the rest of us. Geoffrey England's monumental criticism of our strike laws builds on his earlier writing on the same subject, and provides a unique perspective on the way in which the use of economic power is controlled by Canadian labour law. Finally, David Beatty's criticism of the collective bargaining system is one which is both thought-provoking and controversial. Its probing analysis of what the collective bargaining system promises to do (and how nearly it achieves its goals) is a fitting conclusion to this review of labour law in the early 1980s.

Needless to say, many people contributed to this book in other ways than writing for it. The Institute of Advanced Legal Studies of the University of London offered us shelter during the original planning stages, and the Faculty of Law at the University of Toronto and at Queen's University, respectively, provided moral support, administrative services and research funds for our own projects.

Peter Horowitz of Butterworths gave us the initial encouragement to proceed, and Heather Hisey began as our editor and rapidly became a friend as well. Throughout, these people and those who succeeded them at Butterworths have maintained a delicate balance between anticipation and forbearance which we have much appreciated.

Susan Heakes and Robert Pেকেles acted as our research assistants during the summer of 1981, and performed with such diligence and energy that we have material which they produced left over for future projects. Candy Randall and Carmela Vardaro typed and retyped manuscripts with competence and cheerfulness, and met our deadlines with better grace than we met our publisher's.

We have found this enterprise, in the company of such dedicated and pleasant collaborators, a challenging and exciting project. We hope that it proves to be a valuable contribution to the understanding of labour law and its administration in Canada.

Kenneth P. Swan  
Katherine E. Swinton  
Toronto, January 30, 1982.

## Contributors

---

GEORGE W. ADAMS, Q.C., B.A. (McMaster) LL.B. (York), LL.M. (Harvard)

is Chairman of the Ontario Labour Relations Board and a former professor of labour law at Osgoode Hall Law School of York University.

DAVID M. BEATTY, B.A. (Toronto), LL.B. (Osgoode), LL.M. (California) is an Associate Professor at the Faculty of Law, University of Toronto. His teaching interests include Contracts, Labour Law, and Social Security Law.

RICHARD M. BROWN, LL.B. (Queen's), LL.M. (Harvard) is an Associate Professor of Law at the University of Victoria. His teaching interests include Contracts, Labour Relations Law, and Occupational Health and Safety Law.

DONALD D. CARTER, B.A., LL.B. (Queen's), B.C.L. (Oxford) is a Professor of Law at the Faculty of Law, Queen's University and a Faculty Associate of the Queen's Industrial Relations Centre. His teaching interests include Labour Relations Law, Administrative Law, and Torts. From 1976 to 1979 he served as Chairman of the Ontario Labour Relations Board.

JAMES E. DORSEY, B.A., LL.B. (Dalhousie) is a Member of the British Columbia Bar and formerly Vice-Chairman, Canada Labour Relations Board.

GEOFFREY J. ENGLAND, LL.B. Hons. (L.S.E.), M.A. Industrial Relations (Warwick), LL.M. (Dalhousie) is an Associate Professor at the School of Management, University of Lethbridge. His teaching and research interests include Labour Relations Law, Industrial Relations and Contracts.

GASTON NADEAU, LL.L. (Laval), LL.M. (Laval)

is agent du recherche, Ministère du travail, de la main-d'oeuvre et de la sécurité du revenu, Québec.

KENNETH P. SWAN, B. Eng. (R.M.C.), LL.B. (Alberta)

is a Professor of Law at the Faculty of Law, Queen's University and a Faculty Associate of the Queen's Industrial Relations Centre. His teaching interests include Contracts, Labour Relations Law and Civil Liberties.

KATHERINE E. SWINTON, B.A. Hon. (Alberta), LL.B. (Osgoode), LL.M. (Yale)

is an Associate Professor of Law at the Faculty of Law, University of Toronto. Her teaching interests include Contracts, Labour Relations Law and Constitutional Law.

PIERRE VERGE, Q.C., LL.L. (Laval), M.A. (McGill, Cambridge), LL.M. (Toronto), LL.D. (Laval)

is professeur titulaire, Faculté de droit, Université Laval. His teaching interests include Labour Law, Civil Procedure and Administrative Law.



## Table of Cases

*The cases listed in the Table of Cases come from various tribunals and courts, making citation form difficult. Court cases, arbitration awards, and human rights commission decisions appear with the names of both parties. Labour relations board decisions are cited by employer name or by the name of the individual complainant only.*

### A

- A.A.S. Tele-Communications Ltd., 71,  
75  
A.M.S. Diamonds, 165  
A.N. Shaw Restorations Ltd., 43, 45  
Abihisira v. Arvin Automotive of Can.  
Ltd., 121, 136, 137, 141  
Academy of Medicine, 288, 289  
Aclo Compounders and U.S.W.A., Re,  
118  
Adams, 181, 182  
Adams Laboratories and Ronald  
McCann et al., Re, 292, 293, 294  
Adams Laboratories Ltd., 62  
Aerovox Canada Ltd. and I.B.E.W.  
Loc. 625, 261  
Agence provinciale Québec 1972 Inc. c.  
Tribunal du travail, 91  
Air Canada and Can. Airline  
Employees' Assn., Re, 124  
Air Canada v. Int'l. Assn. of Machinists  
and Aerospace Wkrs., 23  
Air-Care Ltd. v. U.S.W.A., 16, 20  
Alden v. Gagliardi, 281  
Alexander v. Gardner-Denver Co., 133,  
138, 139, 140  
Allen, 204  
Allen Bradley Co., 42  
Amalgamated Transit Union, Loc. 1573  
v. Corp. of the City of Brampton  
(Brampton Transit), 292, 295  
Anderson, 178, 180, 181  
Anisminic Ltd. v. Foreign  
Compensation Comm., 5  
Artisanes 1976 inc. (Les) c. Brassard,  
86  
Association canadienne des employés du  
transport aérien et North Canada  
Air Ltd., 94  
Association des avocats du contentieux  
de la Ville de Montréal c. Ville de  
Montréal, 96  
Association des employés handicapés de  
MacKay Specialties c. MacKay  
Specialties Inc., 98  
Association des enseignants de Verdun  
c. Verdun La Salle English  
Teachers Association, 88  
Association internationale des commis  
du détail, F.A.T.—C.I.O.—  
C.T.C., local 486 c. Commission  
des relations de travail du Que.,  
107  
Assn. of Calgary Contractors v. Elec.  
Wkrs. Union, 263  
Association professionnelle des  
para-médicaux du Québec c.  
Hôtel-Dieu de Rivière-du-Loup,  
107  
A.-G. Nfld. v. Nfld. Assn. of Public  
Employees, 276  
A.-G. Ont. and Keeling, Re, 8, 25

### B

- Bank of Nova Scotia, 205  
Barbesin, 43  
Beauchamp c. Carrière, 109  
Becker Milk Co. Ltd. and Ind.-Ex.  
Distributors Ltd., 283  
Bell and Korczack, Re, 115  
Bell Canada (1981), 291, 295  
Bell Canada, [1982], 165  
Bell Canada v. Office and Professional  
Employees' Union, 13  
Bell Canada Ltd. and Communications  
Union Can., Re, 251, 252  
Bemis Products Trans Can. Ltd., 61  
Benet v. GEC Can. Ltd., 125, 136  
Bezanson Ltd., 278

- Bd. of Govrs. of Olds College v. Alberta Pub. Service Employee Relations Bd., 28
- Bd. of Governors of the Seneca College of Applied Arts and Technology v. Bhadauria, 125, 128, 129, 131, 136
- Board of School Trustees, 244
- Bd. of School Trustees of School Dist. No. 39 (Vancouver), [1977], 43, 265
- Board of School Trustees of School District 39 (Vancouver), [1978], 246
- Borg-Warner, 41, 46
- Bradburn v. Wentworth Arms Hotel, 13, 19, 248
- Brandon Packers, Re, 62
- Br. Amer. Bank Note Co. Ltd. and Ottawa Steel Plate Feeders and Examiners Union, Loc. 31, Re, 134
- B.C. Distillery Co. Ltd., Re, 335, 336
- B.C. Ferry Corp., [1977], 231
- B.C. Ferry Corp., [1979], 274
- B.C. Ferry Corp., [1980], 252, 272
- B.C. Ferry Corp., [1980], 266, 267
- B.C. Hydro and Power Authority, 267
- B.C. Hydro and Power Authority v. Office & Technical Employees Union, Loc. 378, 266
- B.C. Telephone Co., [1977], 46
- B.C. Telephone Co. (1980), 243, 267
- B.C. Telephone Co., Burnaby, 151, 153
- Brooker Trade Bindery Ltd., 62
- Burlington Carpet Mills of Canada, 162
- C**
- CCH Canadian Ltd., Re, 69, 328
- C.G.E. and Machine Wkrs. of Amer., Loc. 507, Re, 271
- C.J.M.S. Radio Montréal (Québec) Ltée, 64, 65, 66
- CKLW Radio Broadcasting Ltd., 40
- CKVC (Quebec) Ltd. v. C.L.R.B., 7
- C.P.R. v. United Transportation Union, 270
- C.P.R. v. Zambri (Royal York), 249, 268, 292
- Caesar, 180, 183, 186
- Caisse populaire Saint-François d'Assise de Montréal c. Commissaire général du travail, 83
- Caisse populaire Saint-François d'Assise de Montréal c. Malouin, 93
- Caisse populaire St-Rémi de Montréal-Nord c. Syndicat des employés de la Caisse populaire St-Rémi (C.S.D.), 107
- Cameron Packaging Inc., 269
- Camille Richard Inc. c. Syndicat des travailleurs forestiers de Camille Richard Inc., 96
- Camosun College, 280
- Canada Bread, 43
- Canada Cement Lafarge Ltd. (Loc. 213), 279
- Canada Cement Lafarge Ltd. (Loc. 368), 51, 73, 196, 216, 290
- Can. Elevator Mfrs., 270
- Can. Gen. Elec. Co. Ltd., 161, 168
- Can. Gypsum Const. and Chevette, Re, 164
- Can. Imperial Bank of Commerce, 74
- Can. Imperial Bank of Commerce, St. Catharines, 74
- Can. Indust. Ltd., 40
- Canada Labour Relations Board and N.A.B.E.T., Re, 270
- Canadian Copper Refiners Ltd. c. Labour Relations Board of the Prov. of Que., 93
- Can. Pacific Ltd., 243
- Can. Trustco Mortgage Co., 205
- Canadian Union of Public Employees (CUPE), Loc. 963 v. N.B. Liquor Comm., 3, 4, 5, 6, 7, 10, 11, 13, 16, 18, 20, 21, 22, 23, 24, 37, 277, 278, 284
- Can. Westinghouse Co. Ltd. and Loc. 164, Draftsmen's Assn., Re, 15
- Capital Window Cleaners (1964) Ltd. and CUPE, Loc. 2429, Re, 21
- Carpenters', Employer Bargaining Agency, 47, 48, 266
- Carrier c. Vassard, 104
- Cassiar Asbestos Corp. Ltd., 164
- Cassista, 198, 200
- Cayer, 206
- Central Broadcasting Co. Ltd. v. Can. Labour Relations Bd., 7
- Centrale de chauffage Enr. c. Syndicat des employés des institutions religieuses de Chicoutimi Inc., 105
- Century Plaza Hotel Ltd., 66
- Chalifoux c. Association des employés de Peerless Clothing, 86

- Charterways Transportation Ltd. and C.B.R.T., Re, 247  
 Chatwin et al., 204  
 Children's Aid Soc. of Metro. Toronto and CUPE, Loc. 2316, Re, 27  
 Cinéma Odéon Limitée c. Union canadienne des travailleurs unis des brasseries, local 303, 107  
 City Buick Pontiac (Montréal) Inc. c. Roy, 106  
 City of Brandon and Manitoba Human Rights Comm., Re, 130  
 City of Calgary v. Transit Union Loc. 583, 270  
 City of Chatham and CUPE, Loc. 12, Re, 272  
 City of Nanticoke and CUPE, Loc. 246, Re, 115, 116  
 Clements and the Crown in Right of Ont., Re, 33  
 Close v. Globe & Mail Ltd., 131  
 Cominco Ltd. and U.S.W.A., Loc. 480, Re, 169  
 Cominco Ltd. v. U.S.W.A., Loc. 7552, 11, 28  
 Commercial Photo Service Inc. c. Lafrance, 99  
 Commission du salaire minimum c. Herman Fortier Inc, 105  
 Commonwealth Const. Co. Ltd., 229, 279, 280  
 Concordia Services Sanitaires Inc. c. De Villers Inc., 96  
 Confédération des syndicats nationaux c. Tribunal du travail, 103  
 Const. Assn. Management Labour Bureau Ltd., 205  
 Contractors Equipment and Supply (1965) Ltd. v. Blg. Materials Drivers etc. Loc. 914, 263  
 Cook and R., Re, 25  
 Cordeau c. Travailleurs canadiens de l'alimentation et d'autres industries, local P-405, 97  
 Cornell v. Pfizer C. & G. Inc., 125, 126  
 Corp. of the City of Penticton and CUPE, Loc. 608, 244  
 Corp. of the City of Peterborough and Peterborough Professional Fire Fighters Assn., Loc. 519, Re, 122  
 Corp. of the City of Waterloo and CUPE, Loc. 1542, Re, 291, 296  
 Corp. of the Dist. of Burnaby, 307  
 Craddock Brothers v. T.G.W.U. *See* Heatons Transport (St. Helens) Ltd. v. T.G.W.U.  
 Crevier v. A.G. Que. et al., 4, 7  
 Cunningham Drug Stores Ltd. c. Labour Relations Board, 107  
 Custom Aggregates, 62  
 Cybermedix Ltd., 48  
 Cyprus Anvil Mining Corporation, 43, 47, 244  
  
**D**  
 D. Ellens, Re, 322  
 Daily Times, 62  
 Dairylea Cooperative Inc., Re, 336  
 Darlington Manufacturing Co., 75  
 Dayton Tire Canada Ltd. and U.R.W., Loc. 494, Re, 272  
 Demers c. Geoffroy, 102  
 Derksen v. Flyer Indust. Ltd., 130, 137, 141  
 Desrochers c. Forum de Montréal, 108  
 De Vilbiss (Canada) Ltd., 40, 296  
 Dewar Insulation Inc. v. S.M.W. Loc. 8, 270  
 Dhillon and Treasury Board, Re, 115, 116  
 Dillingham Corp. (Canada) Ltd., 229, 280  
 Distinctive Leather Goods Ltd. c. Dubois, 103  
 Dominion Stores Ltd. and Retail, Wholesale and Depart. Store Union, Loc. 414, Re, 27, 28  
 Domtar Chemicals Ltd. and Int'l. Chemical Wkrs. Union Loc. 682, Re, 168  
 Domtar Const. Materials Ltd., 229, 279  
 Donald William Murray Movers Ltd., 244  
 Douglas Aircraft, 322  
 Douglas Aircraft Co. of Canada Ltd. v. Int'l. Union U.A.W. of Amer. and Hill, [1974], 274, 275  
 Douglas Aircraft Co. of Canada Ltd. v. McConnell, 4, 12, 14, 15, 16, 17, 18, 20, 23, 31, 274  
 Drummond Wren, Re, 129  
 Duguay c. Desroches, 108  
 Dylex Ltd., 61

## E

E.S. & A. Robinson (Canada) Ltd. and Printing Specialties & Paper Products Union, Loc. 466, Re, 16  
 Eastern Steelcasting and U.S.W.A., Loc. 8794, Re, 166, 167  
 Ebbw Vale Steel, Iron and Coal Co. v. Tew, 271  
 Eliot, Re; N.B. Teachers' Federation and Eliot v. Bd. of School Trustees, District #14, 21  
 Empress Foods Ltd., 279  
 Epicerie St-Onge c. Rotondo, 101  
 Ercegovic, 183

## F

Farrell v. Workmen's Comp. Bd., 4  
 Federation of Telephone Wkrs. of B.C. v. B.C. Telephone Co., 274, 275  
 Fisheries Assn. of B.C., 245  
 Fleck Manufacturing Co., 287  
 Forano Ltd., 61  
 Forestell, 181, 183, 186  
 Fortin c. Circo Craft Inc., 104  
 Fotomat Canada Ltd., [1980], 69, 76, 283, 284, 286, 287, 288  
 Fotomat Canada Ltd., [1981], 46, 50, 51, 70, 71  
 Frank Newbold and Stanley Ofrecht, 278, 283  
 Freightliner of Can. Ltd., 270  
 Funk Bros. Equipment Ltd., 265

## G

Gagnon v. Foundation Maritime Ltd., 268  
 Garcia Transport Ltée c. Robertson, 98  
 Gaston Breton Inc. c. Union des routiers, brasseries, liqueurs douces, 105  
 Gedraitis and Adelaide Bldg. Services, Re, 164  
 Geffie and Longmoore, 190  
 General Motors of Canada Limited c. Allaire, 103, 104  
 General Motors of Canada Ltd. and United Automobile Wkrs., Loc. 222, Re, 169  
 General Truck Drivers' Union, Loc. 879, and Transit Mixed Concrete and Builders' Supply Ltd., Re, 275

Goldcraft Printers Ltd., 62  
 Govt. of B.C. v. B.C. Govt. Employees' Union, 34  
 Govt. of the Prov. of B.C., 266, 267  
 Govt. of the Prov. of B.C. on Behalf of the Liquor Distribution Branch, 270  
 Govt. of Kelantan v. Duff. Dev. Co., 13  
 Grand Anse Peat Moss v. Loc. 2579 U.B.C.J.A., 256, 260, 261  
 Great West Steel Indust. and U.S.W.A., Loc. 4515, Re, 162  
 Grey-Owen Sound Health Unit, [1979], 267  
 Grey-Owen Sound Health Unit, [1980], 71  
 Grey-Owen Sound Health Unit and Ont. Nurses' Assn., Re, 268  
 Grottoli v. Lock and Son Ltd., 131  
 Guérard c. Travailleurs canadiens de l'alimentation, 86  
 Gulf Canada and Oil, Chemical and Atomic Wkrs., Loc. 9-593, Re, 27

## H

H. et R. Block c. Gaulin-Lagassé, 86  
 H. A. Roberts Group Ltd., 256, 266  
 H. K. Porter Company Inc. v. NLRB, 64, 69  
 Hadley v. City of Mississauga, 133, 135  
 Haldimand-Norfolk Regional Health Unit v. Ont. Nurses' Assn., 268  
 Haley, 179, 183, 187, 188  
 Hall v. Int'l. Assn. of Fire Fighters, Loc. 1137, and the Borough of Etobicoke Fire Dept., 127  
 Hallowell House Ltd., 70  
 Hamilton St. Ry. Co. v. Northcott, 131, 322  
 Hardisty Nursing Home v. United Nurses of Alberta Loc. 48, 287  
 Heaton's Transport (St. Helens) Ltd. v. T.G.W.U.; Craddock Brothers v. Same; Panalpina Services v. Same, 275  
 Hebert-Vaillant, 73  
 Hendry v. Liquor Control Bd. of Ont., 120  
 Henri Girard Inc. c. Lamothe, 100  
 Heustis v. N.B. Elec. Power Comm., 3, 7, 8, 9, 10, 16, 18, 21, 22, 23, 125  
 Hilton International Co., 69  
 Hilton Québec Limitée c. Tribunal du travail, 102

Hiram Walker Ltd. v. Distillery,  
Rectifying, Wine and Allied  
Workers Int'l. Union Loc. 202, 270  
Hoogendoorn and Greening Metal  
Products, Re, 123  
Hôpital du Sacré-Coeur c. Brière, 105  
Howe Sound Co. v. Intl. Union of  
Mine, Mill, and Smelter Wkrs., 11,  
17  
Howitt Transport Ltd. v. T.G.W.U.,  
275  
Hughes Boat Works Inc. v. Int'l. Union,  
United Automobile, Aerospace,  
Agricultural and Implement Wkrs.  
of Amer., Loc. 1620, 21  
Hukari, 183  
Humber College of Applied Arts, 288  
Humpty Dumpty Foods Ltd., 75, 288,  
289  
Huron District Hosp. and Service  
Employees Union, Loc. 204, Re,  
124  
Huys v. Klein, 210  
Hyman v. Southam-Murray Printing  
Co., 140, 141

## I

I.A.M. Lodge No. 1031 and Provincial  
Engineering Ltd., 331, 335  
I.B.E.W. Council and CLRA, 262  
Immort Canada, 294  
Industrielle Co. d'Assurance sur la Vie  
'L') c. Nadeau, 88, 95, 102  
Inland Cement Indust. Ltd. v. United  
Cement, Lime and Gypsum Wkrs.,  
Loc. 359, 29  
Institut de réadaptation de Montréal c.  
Syndicat des employés (es) de  
l'Institut de réadaptation de  
Montréal (C.S.N.), 98  
Institut des sourds de Charlesbourg Inc.  
c. Association des éducateurs de  
l'enfance inadaptée (C.E.Q.), 105  
Institut Marguerite-Bourgeois c.  
Syndicat des professeurs de  
l'Institut Marguerite-Bourgeois,  
106  
Int'l. Nickel Co. of Can. Ltd. and  
Rivando, Re, 11  
Int'l. Union of Operating Engineers,  
Loc. 185 and Henuset Bros. Ltd.,  
Re, 122

Int'l. Waxes Ltd. v. Oil, Chemical and  
Atomic Wkrs.' Int'l. Union, 27  
Int'l. Woodwks. of Amer. (IWA),  
Loc. 217 v. Weldwood of Can.  
Ltd., 11  
Int'l Woodwks. of Amer. Loc. 1-405  
and Crestbrook Forest Indust. Ltd.,  
Re, 116  
Iron Ore Co. of Canada Ltd. and  
U.S.W.A., Re, 273  
Irving Oil Ltd. v. Oil, Chemical and  
Atomic Wkrs. Int'l. Union Loc.  
9-691, 20, 21, 287

## J

J. McLeod & Sons Ltd., 62  
J. et P. Coats (Canada) Limitée c.  
Prud'homme, 102  
J. R. Bezanson, 229  
J. R. Thérberge Limitée c. Syndicat  
national des employés de  
l'aluminium d'Arvida Inc., 88  
Jacmain v. A.G. of Can., 10  
Jacobsen Bros. v. Anderson, 257, 263  
Jarvis v. Associated Medical Services  
Ltd., 7  
Jarvis v. Swans Tours Ltd., 73  
Johnson Terminals, 229  
Jones v. Prov. of N.B., 22  
Jordan & Ste-Michelle Cellars Ltd. and  
United Brewery Wkrs., Loc. 304,  
Re, 27  
Journal Publishing Company of Ottawa  
Ltd. (The), 68, 268  
Jowsey and Wilkes v. Sask. Govt.  
Employees Assn., 260, 263  
Julius Resnick Canada Ltd. and  
L.G.P.W., Loc. 9, Re, 273

## K

K-Mart Canada Ltd. (Peterborough), 61,  
72  
Keddy v. The Queen, 255  
Keeling and Ministry of the A.-G. Re,  
25  
Keeprite Wkrs.' Independent Union and  
Keeprite Products Ltd., Re, 28  
Kerber, 179, 190  
Kidd Bros. Produce Ltd., 71  
King and Duveen, Re, 13  
Kochubievski c. Société des hôtels  
Mérédien Canada Limitée, 101  
Kraft Foods Ltd., 278

## L

La Barge v. Bell Canada, 165  
 Labour Relations Board of  
     Saskatchewan c. John East Iron  
     Works, 91  
 Lac d'Amiante du Québec Ltée c.  
     Syndicat national des employés de  
     Lake Asbestos of Canada, Ltd., 97  
 Lafrance v. Commercial Photo Service  
     Inc., Briere and CUPE, Loc. 1819  
     (QFL), 99, 102, 272  
 Lake Ont. Steel Co. Ltd., 255, 263, 264  
 Lambert Island Ltd. and A.G. for Ont.,  
     Re, 131  
 Lean v. Weldwood of Can. Ltd. *See*  
     Int'l. Woodwks. of Amer. (IWA),  
     Loc. 217 v. Weldwood of Can.  
     Ltd.  
 Lecavalier c. Syndicat national des  
     employés de Ville de Laval  
     (C.S.N.), 103  
 Leisure World Nursing Homes Ltd. and  
     Director of Employment Standards,  
     Re, 116, 134, 135  
 Lépine c. Tremblay, 108  
 Libby, McNeil & Libby of Canada,  
     Ltd., 244  
 Liquid Carbonic Canada and U.S.W.A.,  
     Re, 274  
 Liquor Control Bd. of Ont. (LCBO) and  
     Ont. Liquor Bds. Employees'  
     Union, Re, 23, 24  
 Liquor Distribution Branch, 229  
 Little Bros. (Weston) Ltd., 69  
 Loc. 273, Int'l. Longshoreman's Assn.  
     v. Maritime Employers' Assn., 244  
 Lockhart and Wilson, 206  
 London Drugs Ltd., 229, 279  
 London Drugs Ltd. and Grandview  
     Indust. Ltd., 64, 65, 66, 233  
 London Generator Service, 248  
 Lorange c. Union des employés de  
     commerce, local 501, 100  
 Lucas, 183, 186  
 Lumber and Sawmill Wks., Loc. 2693  
     and Great Lakes Paper Co. Ltd.,  
     Re, 148  
 Lumberland Building Materials Limited  
     c. Union des employés de  
     commerce, section locale 501, 107

## M

MacDonald v. 283076 Ont. Inc., 125  
 McDonald v. N.B. Elec. Power Comm.,  
     7  
 McIntire v. Univ. of Man., 117, 125,  
     128, 129, 130, 131  
 McKinlay Tpt. Ltd. v. Goodman, 270  
 MacLeod, Re. *See* McLeod v. Egan  
 McLeod v. Egan, 3, 6, 8, 13, 18, 124,  
     141, 142, 162  
 Marché Union Inc. c. Union des  
     employés de commerce, local 500,  
     96  
 Marques and Dylex Ltd., Re, 61  
 Martin and General Motors Can. Ltd.,  
     Re, 164  
 Martin, Carter et al., 204  
 Martinique Motor Inn Ltd. (The) c.  
     Union des employés d'hôtel, motel  
     et club, 105  
 Maska Electrique Ltée c. Union des  
     employés de commerce, local 500  
     (R.C.I.A.), 97  
 Massicotte, 182  
 Mattabi Mines Ltd., 294  
 Matus, 73, 196  
 Meagher, 206  
 Metal Indust. Assn., 257, 258, 259  
 Metro. Life Ins. Co. v. I.U.O.E.,  
     Loc. 796, 7  
 Metro. Toronto Bd. of Commrs. of  
     Police and Metro. Police Assn.,  
     Re, 26  
 Metro. Toronto Bd. of Commrs. of  
     Police and Ont. Human Rights  
     Comm., Re, 133  
 Metro. Toronto Police Assn. v. Metro.  
     Toronto Bd. of Commrs. of Police,  
     13  
 Michelin Tires (Can.) Ltd., 61  
 Miller and C.N.R., Re, 163, 165, 166  
 Miron Inc. c. Rhéaume, 93  
 Mohameed, 181  
 Molson Brewery B.C. Ltd., 270  
 Montréal Trust c. Tribunal du travail,  
     103  
 Moose Jaw Sask. and Door Co. (1963)  
     Ltd., 202, 205  
 Morgan, 183, 188, 190  
 Morris Rod Weeder Co. Ltd., 44, 45  
 Motor Coach Indust. Ltd. v. Intl. Assn.  
     of Machinists and Aerospace  
     Workers, Loc. 1953, 28

Muckamuck Restaurant Ltd., 62  
 Mun. of Casimir, Jennings & Appleby,  
 70, 244  
 Mun. of Metro Toronto and Toronto  
 Civic Employees' Union, Local 43,  
 Re (1975), 26  
 Mun. of Metro. Toronto and Toronto  
 Civic Employees' Union, Loc. 43,  
 Re (1977), 26  
 Murphy, 180, 182  
 Mutual Steel Corporation c. Synotte, 84

**N**

N.C.B. v. Galley, 271  
 NLRB v. Gissel Packing Co. Inc., 61  
 National Harbours Board, 251  
 Nauss and Roberts, 206, 216  
 N.B. v. CUPE, 23  
 N.B. Teachers' Federation and Eliot v.  
 Bd. of School Trustees, District  
 #14. *See* Re Eliot.  
 N.B. Teachers' Federation v. Prov. of  
 N.B., 22  
 Nfld. v. Nfld. Assn. of Public  
 Employees. *See* A.G. Nfld. v.  
 Nfld. Assn. of Public Employees  
 Nfld. Assn. of Public Employees v.  
 A.G. of Nfld., 8, 125  
 Niagara Regional Health Unit, 331  
 Noranda Metal Indust., 40  
 Noranda Mines Ltd. (Bell Copper Div.)  
 and Can. Assn. of Indust.  
 Mechanical & Allied Wkrs.  
 Loc. 10, Re, 275  
 North Can. Air Ltd. v. Can. Labour  
 Relations Bd., 21  
 North Island Laurentian Teachers' Union  
 c. Commission scolaire Laurenval,  
 108  
 North-West Community Video Ltd. v.  
 Telecommunications Wkrs.' Union;  
 Van. Cablevision (1976) Ltd. v.  
 Telecommunications Wkrs.' Union,  
 249  
 Norton Tool Co. Ltd. v. Tewson, 289  
 Nosworthy (Donald), 204  
 Nowotniak and Ostby, 74  
 Nunez c. Lloyds Electronics Limitée,  
 108

**O**

Oil, Chemical and Atomic Workers

International Union, local 9-745 c.  
 Tribunal du travail, 95  
 Olsonite Manufacturing Co., 296  
 1648-2242 Québec Inc. c. Régie des  
 entreprises de constructions du  
 Québec, 96  
 Ontario Human Rights Comm. v.  
 Borough of Etobicoke, 116  
 Ontario Hydro, 278  
 Ont.-Minnesota Pulp and Paper Co.  
 Ltd., 270  
 Ont. Nurses Assn. and Grey-Owen  
 Sound Health Unit, Re, 267, 268  
 Otis Elevator Co. Ltd., 270  
 Otis Elevator Co. Ltd. v. I.U.E.C., Loc.  
 82, 42, 328  
 O'Toole's Transfer Ltd., 256, 258  
 Ottawa Hydro-Elec. Comm. and CUPE,  
 Re, 296  
 Ouellette c. Zeller's Limited, 109

**P**

PCL Packaging Ltd. and Energy and  
 Chemical Wkrs. Union, Loc. 593,  
 Re, 27  
 Pace v. U.E., 322  
 Pacific Vocational Institute, 246  
 Packett Staples Ltd., 279  
 Panalpina Services v. T.G.W.U. *See*  
 Heaton's Transport (St. Helens) Ltd.  
 v. T.G.W.U.  
 Parkinson and Health Sciences Centre,  
 Re, 130  
 Patchogue Plymouth-Hawkesbury Mills  
 Div. of Amoco Petroleum Co. Ltd.  
 and I.W.A., Re, 275  
 Pathfinder Lines Inc., 285  
 Pearlman v. Keepers and Govs. of  
 Harrow School, 21  
 Penick Canada Ltd., 294  
 Perley Hosp. and Ont. Nurses' Assn.,  
 Re, 158, 159  
 Pétroles Inc. (Les) c. Syndicat  
 international des travailleurs des  
 industries pétrolières, 105  
 Pharand and Inco Metals Co., Re, 162,  
 163, 164, 165, 166  
 Phillips Cables Ltd. and United Elec.,  
 Radio and Machine Wkrs.,  
 Loc. 510, Re, 33  
 Phillips et al., 204  
 Pilon v. Peugeot Can. Ltd., 73, 126

Pine Ridge Dist. Health Unit and H. E. Good, 69  
 Pinsonneault c. Hanson Mohawk Ltd., 98  
 Placer Dev. Ltd., Endako Mines Division, 257  
 Placer Devs. Ltd., Endako Mines Div. v. Can. Assn. of Indust. Mechanical and Allied Wkrs. (CAIMAW), Loc. 17, 20  
 Poliquin c. Collège O'Sullivan de Limoilou Inc., 100  
 Polymer, 275  
 Port Arthur Shipbuilding Co. v. Arthurs, 8, 9, 10, 125  
 Poulin c. Centre Aidop, 89  
 Prinesdomu, 178, 180, 183  
 Procureur général de la province de Québec c. Progress Brand Clothes Inc., 91  
 Procureur général de la province de Québec c. Tribunal du travail, 106  
 Procureur général du Québec c. Farrah, 91  
 Proulx c. For-Net Inc., 102  
 Provencher c. Syndicat des employés de bureau de Victoriaville, 96  
 Pulp and Paper Industrial Relations Bureau, 40, 42

## Q

Queen (The) in right of Ontario and Grievance Settlement Bd., Re, 25  
 Queen (Her Majesty The) in Right of N.B. v. Leeming, 7, 10, 18, 21, 25

## R

R.O.M. Constr. Ltd. v. Elec. Power Equipment Ltd., 29  
 Racal Communications Ltd., Re, 21  
 Radio Shack, [1979], 64, 68, 69, 70, 71, 73, 74, 75  
 Radio Shack, [1980], 49, 50  
 Radio Shack Division, Tandy Electronics Ltd., 294  
 Radio Station CJMS, 62  
 Railroad Telegraphers, 42  
 Rayonier Can. (B.C.) Ltd., 322, 323, 324  
 Rayonier Canada Ltd., 291  
 Rayonnier Québec Inc. c. Tribunal du travail, 104

Reed, Ltd., Furniture Division, 161  
 Rehau Plastics, 294  
 Reine (La) c. Harricana Metal Inc., 108  
 Repac Const. and Materials Ltd., 274  
 Robert and United Metallurgists of Amer. Loc. 4589 v. Bombardier-M.L.W. Ltd., 20  
 Robinson Little, 75  
 Rocca Const. Ltd. v. General Labourers and General Wkrs. Loc. Union 1079, 259  
 Roy c. Syndicat des employés de la commission scolaire de Tilly, 108  
 Royal Norton Mfg. Co., 76

## S

S.E.I.U. v. K-Mart Can. Ltd., 73  
 St. Paul's Hosp. and Registered Nurses' Assn. of B.C., Re, 169  
 St. Vincent Hosp. (Ottawa) and Ont. Nurses' Assn., Re, 158, 159  
 Samra, 183  
 Sandman Inn (Vancouver) Ltd., 270  
 Sandmann Motels Ltd., 244, 246  
 Sask. Govt. Employees' Assn. (The) and Brown v. Jowsey and Wilkes. *See* Jowsey and Wilkes v. Sask. Govt. Employees Assn.  
 Schwartz Service Station c. Teamsters Local Union 900, 88  
 Scott, 180  
 Secretary of State for Employment v. A.S.L.E.F. (No. 2), 225  
 Securiguard Services Ltd., 285  
 Service Employees' Intl. Union, Loc. No. 333 v. Nipawin Dist. Staff Nurses' Assn., 5, 7, 8, 31  
 Services ménagers Roy Limitée c. Syndicat national des employés de la Commission scolaire régionale de l'Outaouais (C.S.N.), 89  
 Sheedy, 196, 206  
 Sheehan, 206  
 Simic c. Shirtmate Canada Limitée, 99  
 Simms v. Ford Motors, 115  
 Singh and The Crown in Right of Ontario, Re, 118, 127, 135  
 Singh v. Domglas Ltd., 118, 137, 138, 141  
 Skyline Hotels Ltd., 61  
 Small c. Labelle, 108  
 Société Asbestos Ltée c. Cartier, 85



- Société des hôtels Méridien Canada  
Limitée c. Tribunal du travail, 91,  
102
- Société Radio-Canada et Syndicat des  
employés de production du Québec  
et de l'Acadie, 94
- Solly, 200, 212
- South East Asia Fire Bricks v.  
Non-Metallic Mineral Products  
Mfg. Employees Union, 21
- Standard Oil Co. of B.C. and Chevron  
Can. Ltd., 229, 279
- Steel Co. of Canada Ltd. and  
U.S.W.A., Loc. 1005, Re (1973),  
162
- Steel Co. of Canada Ltd. and  
U.S.W.A., Loc. 1005, Re (1975),  
162
- Steele v. Louisville, 335
- Strasser c. Roberge, 95, 108
- Sudbury Memorial Hosp. and Ont. Pub.  
Service Employees Union, Local  
619, Re, 23, 24
- Sudbury Mine, Mill and Smelter Wkrs.'  
Union, Loc. 598 v. Falconbridge  
Nickel Mines Ltd., 28
- Supermarché Reid et frères Inc. c.  
Galiéau, 96, 107
- Syndicat canadien de la fonction  
publique, section locale 3333 c.  
Commission de transport de la rive  
sud de Montréal, 93
- Syndicat des employés de la société  
d'entretien impar Ltée (C.S.N.) c.  
Union des employés de service  
local 298 (F.T.Q.), 97
- Syndicat des employés de l'école de  
conduite Lauzon c. Syndicat des  
moniteurs en conduit automobile  
(C.S.N.), 94, 100
- Syndicat des Employés de l'Hôpital  
Régina Ltée. v. Hôpital Régina  
Ltée., 28
- Syndicat des employés de l'Industrielle  
(C.S.N.) c. Racine, 98
- Syndicat des employés de production du  
Québec et de l'Acadie et Conseil  
Canadien des relations de travail,  
94
- Syndicat des employés de scieries inc.,  
local 241 c. Syndicat des  
travailleurs de la scierie Camille  
Richard Inc., 95
- Syndicat des employés de Uniroyal  
(C.S.N.) c. Uniroyal Limitée, 103
- Syndicat des employés du CLSC des  
Trois-Saumons c. Syndicat  
professionnel des techniciens en  
radiologie du Québec  
(S.P.T.R.M.O.), 98
- Syndicat des employés du Théâtre  
Saint-Denis c. France Film Inc.,  
109
- Syndicat des professionnels du  
gouvernement du Québec c.  
Procureur général du Québec, 86
- Syndicat des salariés Québec Poultry c.  
Fraternité des travailleurs  
d'abattoirs (C.S.N.), 97
- Syndicat des vendeurs d'automobiles c.  
Giguère Automobiles, 105
- Syndicat national des employés de  
l'aluminium de Shawinigan Inc.  
(C.S.N.) c. Tribunal du travail, 87
- T**
- Tamco Ltd., 333
- Tandy Electronics Ltd. and United  
Steelwks. of Amer., Re, 20, 64
- Teamsters Credit Union, 280
- Teamsters, Loc. No. 213 v. Therien,  
268
- Telegram Publishing Co. Ltd. and  
Zwelling and Essig, 249
- Terra Nova Motor Inn v. Beverage  
Dispensers and Culinary Wkrs.  
Union Loc. 835, 46, 258, 263
- Texaco Canada Ltd. v. O.C.A.W., Loc.  
9-910, 292
- Todd, Boltan and Zogas Hotels Ltd. v.  
Tomson and Beverage Dispensers  
Culinary Wkrs. Union, Loc. 835,  
263
- Toronto East General and Orthopaedic  
Hosp. Inc., 73
- Toronto Hydro Elec. System, 74
- Toronto Hydro-Elec. System and CUPE,  
Loc. 1, Re, 27, 28, 134, 338
- Toronto Jewellery Mfrs'. Assn., 69
- Toronto Star Ltd., Re, 338
- Toronto Star Newspapers Ltd. (May 3,  
1979), 48
- Toronto Star Newspapers Ltd. (Aug. 20,  
1979), 48, 266