

Appointment of Industrial Inquiry Commission

The Minister has the authority under section 73 of the Trade Union Act to appoint an Industrial Inquiry Commission.

An inquiry is an investigation of the differences between the parties for the purposes of resolution. The investigation can include a review of outstanding matters with both parties; an effort to mediate the differences, and when unsuccessful, the collection of witnesses and evidence through a hearing; and the production of recommendations through a report.

Summary – Trade Union Act Provisions

- The Minister of Labour and Advanced Education may appoint an Industrial Inquiry Commission of one or more individuals.
- The Minister informs the affected parties of the appointment.
- The Commissioner inquires into the dispute in accordance with the “Terms of Reference” provided by the Minister.
- The Industrial Inquiry Commission has the same power as a court to enforce the attendance of witnesses at a hearing, compel evidence, and order the production of documents.
- The Commissioner issues a report, with potential recommendations to the Minister.
- The Minister shares it with the parties and with the public.
- The findings of the Industrial Inquiry Commission, including any recommendations, are not binding on the parties unless the parties agree.
- The Commissioner’s time and expenses are paid by the Minister of Labour and Advanced Education.

Industrial Inquiry Process in the Halifax Herald and Halifax Typographical Union Dispute

In this case, the Commissioner of the Industrial Inquiry will begin with a mediation process between the parties from August 4–8, 2017.

If a voluntary agreement is not reached, the Commissioner, guided by the Terms of Reference, investigates the causes of the dispute in a public hearing. The Commission then reports its findings and potential recommendations to the Minister.

Background – Industrial Inquiry Commission

- The last Industrial Inquiry Commission in the private sector: 1993 involving the construction industry.
- The last Industrial Inquiry Commission in the public sector: 1991 involving the healthcare sector.
- It is not necessary for there to be a strike or lockout to appoint an Industrial Inquiry Commission.
- The appointment of an Industrial Inquiry Commission does not stop a strike or lockout.
- The labour dispute between the Halifax Herald and the Halifax Typographical Union has lasted for 18 months.

The Industrial Inquiry Commissioner in the Halifax Herald and Halifax Typographical Union Dispute

William (Bill) Kaplan is a lawyer currently in private practice in Toronto, Ontario as an arbitrator, mediator and independent investigator. He has received the Mundell Medal from the Government of Ontario for legal writing and the Law Society Medal from the Law Society of Upper Canada. He has a Doctor of Science Law Degree from Stanford University (1988).

Mr. Kaplan was most recently appointed to seek an end to the labour dispute between Canada Post and the Canadian Union of Postal Workers when the union issued a 72-hour strike notice after nine months of contract talks reached a stalemate.