

Fair representation

6-59(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.

2013, c.S-15.1, s.6-59.

Applications re breach of duty of fair representation

6-60(1) Subject to subsection (2), on an application by an employee or former employee to the board alleging that the union has breached its duty of fair representation, in addition to any other remedies the board may grant, the board may extend the time for the taking of any step in the grievance procedure under a collective agreement, notwithstanding the expiration of that time, if the board is satisfied that:

- (a) the denial of fair representation has resulted in loss of employment or substantial amounts of work by the employee or former employee;
- (b) there are reasonable grounds for the extension; and
- (c) the employer will not be substantially prejudiced by the extension, either as a result of an order that the union compensate the employer for any financial loss or otherwise.

(2) The board may impose any conditions that it considers necessary on an order made pursuant to subsection (1).

2013, c.S-15.1, s.6-60.

Financial statement of unions

6-61(1) Within six months after the end of a union's fiscal year, the union shall make available without charge:

- (a) to each of its members the audited financial statement of its affairs to the end of the preceding fiscal year, signed by its president and treasurer or corresponding principal officers;
- (b) to each of its members who are in a bargaining unit the unaudited financial statement of that bargaining unit; and
- (c) to each of its members any prescribed information.

(2) The financial statements mentioned in subsection (1) must contain information in sufficient detail to disclose accurately the financial condition and operation of the union for its preceding fiscal year.

(3) On the complaint of a member that the union has failed to comply with subsection (1), the board may order the union to provide to each of its members the financial statements and information required by this section to be provided.