

## Section 86 0LRBThe Statutory Freeze

**86. (1)** Where notice has been given under section 16 or section 59 and no collective agreement is in operation, no employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty, of the employer, the trade union or the employees, and no trade union shall, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees,

- (a) until the Minister has appointed a conciliation officer or a mediator under this Act, and,
  - (i) seven days have elapsed after the Minister has released to the parties the report of a conciliation board or mediator, or
  - (ii) 14 days have elapsed after the Minister has released to the parties a notice that he or she does not consider it advisable to appoint a conciliation board, as the case may be; or
- (b) until the right of the trade union to represent the employees has been terminated, whichever occurs first.

### **Same**

**(2)** Where a trade union has applied for certification and notice thereof from the Board has been received by the employer, the employer shall not, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer or the employees until,

- (a) the trade union has given notice under section 16, in which case subsection (1) applies; or
- (b) the application for certification by the trade union is dismissed or terminated by the Board or withdrawn by the trade union.

### **Differences may be arbitrated**

**(3)** Where notice has been given under section 59 and no collective agreement is in operation, any difference between the parties as to whether or not subsection (1) of this section was complied with may be referred to arbitration by either of the parties as if the collective agreement was still in operation and section 48 applies with necessary modifications thereto. 1995, c. 1, Sched. A, s. 86.

**This is the entire Article 86 (1), (2) and (3)! As you can see we are fully protected if the employer violates the Freeze, as Article 86 (3) solidly proves –WE ARE FULLY PROTECTED!**