

# FAQS

阿尔伯塔省 | 建筑业

## 如何提出不公平劳工对待的投诉

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雇员无论是否已经加入工会，如欲向更多人提供资料，应向同部门雇员推荐本网站，并且当然可以下载、打印、复制、转发和以任何方式向同部门雇员或任何感兴趣的团体散布这些资料。在此方面您无需联系我们获得许可。

雇主为达到进行管理培训和交流沟通的目的，不论是在本组织内或者与其他感兴趣的团体一起，亦可以同样的方式使用本网站所载资料。在某些情况下，雇主可能会向雇员提供这些材料。然而，我们强烈建议，您应先向了解您具体情况的劳工律师咨询。

工会为培训和沟通之目的，不论是在工会内部或与其他感兴趣的团体（例如其成员或者工会所代表的非成员），亦可以同样的方式使用本网站所载资料。

詳情請致電 LABOURWATCH. 免費熱線  
**1-888-652-2687**

## 概述

目前，在阿尔伯塔省，纳税人税金或工会会费中没有资助“雇员顾问或督察专员”的经费，用于帮助处理雇员关于工会的疑问。如果您对工会的某一行为存有疑问，并且您的雇主无法与阿尔伯塔省劳工关系委员会及工会沟通，您需要独自或与律师一起，向工会提出或前往阿尔伯塔省劳工关系委员会解决。一般情况下，不鼓励雇员就某一工会行为向雇主提出要求。

在阿尔伯塔省，如果您向雇主提供了必要的信息，雇主可针对不恰当行为提出不公平劳工实务投诉。也可能会向您提供一名律师的姓名，供您与之联络，帮助完成您的申请。这种情况比较少见，所以请参阅阿尔伯塔省不公平劳工实务常见问题中的问题1——实际上，需要打印并阅读不公平劳工实务常见问题中的所有9个问题。

阿尔伯塔省劳工关系法中关于不公平劳工实务的内容很多，但大多与雇主和工会之间的关系有关。我们将仅关注于雇员与工会之间的关系。工会会对需要向雇主提出不公平劳工实务投诉的雇员提供重要帮助。对于各种工会向雇员提供的重要信息和资源，LabourWatch 不再重复。

## 获取表格

阿尔伯塔省劳工关系委员会为雇员提供一种专用表格，用于提交不公平劳工实务。Labour Watch也将这一表格提供在“实务指南”部分。

鉴于普通雇员在理解法规（如阿尔伯塔省劳工关系法）方面可能存有困难，填写表格时，需要您了解违反的是阿尔伯塔省劳工关系法中的哪部分内容。我们已将从劳工关系法中选取的内容列在本文件的结尾。阿尔伯塔省劳工关系委员会的[网站](#)中针对不公平劳工实务设立了一个很有帮助的条目。

“实务指南”用于处理的情形仅包括：您认为工会针对正在加入工会的雇员或工会实际代表的会员雇员的行为已违反阿尔伯塔省劳工关系法。

## 填写表格

表格中的前几项比较容易，需要填写姓名、地址、电话和传真号码等。如果您感到填写“不公平劳工实务”太复杂，请与您所在地区的雇主顾问联络——参见我们网站中的联络条目。表格空白受限，如有需要，请自行附页。

您需要陈述您认为阿尔伯塔省劳工关系法中被违反部分的内容，详细内容参见本文件的结尾部分。

应对照本条目完成“不公平劳工实务”投诉。

## 提出不公平劳工实务投诉的时机

阿尔伯塔省劳工关系委员会规定，不公平劳工实务投诉应在“你所知道的或劳工委员会应当知道的”导致投诉的事件发生日之后不迟于90日内提出。如果是在工会成立过程中，由于可能对成立过程产生影响，所以要尽早提出。在工会解散过程中也是如此。

如果您正在对工会行为提出投诉，并及时提出不公平劳工实务投诉，阿尔伯塔省劳工关系委员会可拒绝将工会卡视为支持该工会的有效证据。您需要尽可能快速地提出投诉，否则，有可能为时太晚。对工会解散申请的任何反对意见必须在解散听证会举行之前至少一整天前提出。

## 提交表格

您必须将表格提交给阿尔伯塔省劳工关系委员。委员会的[网站](#)就提交表格的时间和方式提供了全面的说明

您可通过传真、面呈、快递或挂号信等方式发送您的解散文件（您的申请、个人表格和集体协议复印件等）。但最佳方式是面呈或快递。

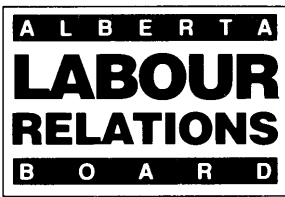
一般情况下，我们会建议采用传真方式。但条例中规定，如果您通过传真发送文件，您仍需在3日内以快递或面呈方式提交原件。

## 下一步内容？

阿尔伯塔省劳工关系委员可要求工会“终止和停止”其行为。也可针对通过强迫、恐吓、威胁、承诺或不正当影响获取的成立申请，拒绝考虑任何成员证据。如果已就成立或解散工会进行了代表投票，阿尔伯塔省劳工关系委员可要求重新投票。

阿尔伯塔省劳工关系委员网站列举了可采取的补救措施：

- 如果阿尔伯塔省劳工关系委员判定投诉是合理的，就可以采取任何其认为必要的临时或最终措施，改正被投诉的违反阿尔伯塔省劳工关系法的行为，包括要求：
  - 停止行为
  - 为停职或开除的雇员恢复原职并补偿
  - 恢复雇员的工会会员身份或吸纳其为会员
  - 解除不公平处罚行为或惩罚，并提供补偿（第17条）
- 在极端情况下，阿尔伯塔省劳工关系委员可通过授予或撤销登记或批准来解决不公平劳工实务问题但是，任何此类命令均需经相关雇主或雇员投票决定。



# UNFAIR LABOUR PRACTICE COMPLAINT

- Form LRB 04 (April 2017). Please type or print clearly. Attach extra pages if necessary.
- Parties may use this form in making a complete complaint.
- For information or assistance in completing this form, refer to the Rules of Procedure and Information Bulletins 2 or call the Labour Relations Board at (780) 422-5926 (Edmonton) or (403) 297-4334 (Calgary).
- Any personal information provided herein is collected under the authority of section 33(c) of the *Freedom of Information and Protection of Privacy Act* ("FOIP"), for the purpose of processing your application to the Labour Relations Board. Any further personal information received in written or oral submissions will be collected under that authority. The collection, use and disclosure of this information is managed pursuant to FOIP. Any information provided to the Board that is relevant to the application must in the normal course be provided to all affected parties to the application, so all parties know the case to be heard and have an opportunity to respond. Questions about the collection or use of personal information can be posed to the Board Officer appointed to your file, or the Board's FOIP Coordinator at 501, 10808 99 Avenue, Edmonton, AB, T5K 0G5, or (780) 422-5926.

## COMPLAINANT INFORMATION

- *person, trade union, employer or employers' organization making the complaint*

Name:

Complete Mailing Address:

Postal Code:

Business Telephone:

Residence Telephone:

Fax Number:

Name of Contact Person:

Mailing Address (*if different from above*):

Business Telephone:

## ADDITIONAL COMPLAINANTS

- *List any additional complainants who are making the same complaint against the same parties or person*

Name:

Address:

Postal Code:

Telephone Number:

Fax Number:

Name:

Address:

Postal Code:

Telephone Number:

Fax Number:

Name:

Address:

Postal Code:

Telephone Number:

Fax Number:

**WHO IS YOUR COMPLAINT AGAINST?**

• *person, trade union, employer or employers' organization who you are complaining about*

1 Name:

Mailing Address:

Postal Code:

Business Telephone No:  
Fax Number:

Residence Telephone No.:

2 Name:

Mailing Address:

Postal Code:

Business Telephone No:  
Fax Number:

Residence Telephone No.:

3 Name:

Mailing Address

Postal Code:

Business Telephone No:  
Fax Number:

Residence Telephone No.:

4 Name:

Mailing Address

Postal Code:

Business Telephone No:  
Fax Number:

Residence Telephone No.:

5 Name:

Mailing Address

Postal Code:

Business Telephone No:  
Fax Number:

Residence Telephone No.:

6 Name:

Mailing Address

Postal Code:

Business Telephone No:  
Fax Number:

Residence Telephone No.:

**WHICH SECTIONS OF THE CODE OR THE ACT DO YOU ALLEGE HAVE BEEN VIOLATED?**

- *You must specify the subsection where appropriate.*
- *If there is more than one respondent specify which section each respondent is alleged to have violated.*

**PARTICULARS: WHAT ARE THE DETAILS OF YOUR COMPLAINT?**

- *Give the facts and circumstances you allege violate the Code, or the Act.  
Include all relevant information.*
- *Detail how each section of the Code or Act is alleged to have been violated by each respondent.*



**OTHER PROCEDURES**

- Are any other proceedings outstanding or being contemplated with respect to these allegations? (i.e. grievance or arbitration, statutory complaint, etc.) If yes, give details.

**REMEDIES**

- What remedies are you asking the Labour Relations Board to order if the Board finds in favour of the complaint. Specify which remedies apply to which of the respondents.

**FOR BOARD USE ONLY:**

Board File Number: \_\_\_\_\_

Checked by \_\_\_\_\_ Received by \_\_\_\_\_ Input by \_\_\_\_\_

Signature of Complainant or Agent: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date of Signing: \_\_\_\_\_

**Complete and deliver to:**

Labour Relations Board  
#501, 10808 – 99 Avenue  
Edmonton, AB T5K 0G5  
Fax: (780) 422-0970

Labour Relations Board  
#308, 1212 31 Avenue, N.E.  
Calgary, AB T2E 7S8  
Fax: (403) 297-5884

*(Applications can be faxed to the Board.  
The Board does not require original applications.)*

## **Excerpts from the Alberta Labour Relations Code relating to Unfair Labour Practices by a Union:**

Prohibited practices by trade union, etc.

151 No trade union and no person acting on behalf of a trade union shall

- (a) seek to compel an employer or employers' organization to bargain collectively with the trade union if the trade union is not the bargaining agent for a unit of employees that includes employees of the employer;
- (b) bargain collectively or enter into a collective agreement with an employer or employers' organization in respect of a unit, if that trade union or person knows, or in the opinion of the Board ought to know, that another trade union is the bargaining agent for that unit of employees;
- (c) participate in or interfere with the formation or administration of an employers' organization;
- (d) except with the consent of the employer of an employee, attempt, at an employee's place of employment during the working hours of the employee, to persuade the employee to become, to refrain from becoming or to cease to be a member of a trade union;
- (e) authorize, encourage or consent to a refusal by any employee in a unit in respect of which the trade union is the bargaining agent to perform work for the employee's employer for the reason that other work was or will be performed or was not or will not be performed by any persons or class of persons who were not or are not members of a trade union or a particular trade union;
- (f) use coercion, intimidation, threats, promises or undue influence of any kind with respect to any employee with a view to encouraging or discouraging membership or activity in or for a trade union;
- (g) require an employer to terminate the employment of an employee because the employee has been expelled or suspended from membership in the trade union for a reason other than a failure to pay the periodic dues, assessments and initiation fees uniformly required to be paid by all members of the trade union as a condition of acquiring or retaining membership in the trade union;
- (h) expel or suspend a person from membership in the trade union or take disciplinary action against or impose any form of penalty on a person by reason of the person having refused to perform an act that is contrary to this Act;
  - (i) expel or suspend a person from membership in the trade union or take disciplinary action against or impose any form of penalty on any person
  - (i) for engaging in employment in accordance with the terms of a collective agreement between the person's employer and the trade union, or
  - (ii) for engaging in employment with an employer who is not a party to a collective agreement with the trade union if the trade union fails to make reasonable alternate employment available to that person within a reasonable time with an employer who is a party to a collective agreement with the trade union, unless the trade union and that person are participating in a strike that is permitted under this Act.

152(1) No trade union or person acting on behalf of a trade union shall

- (a) expel or suspend a person from membership in the trade union or deny membership in the trade union to a person by applying to the person in a discriminatory manner the membership rules of the trade union;
- (b) take disciplinary action against or impose any form of penalty on a person by applying to the person in a discriminatory manner the standards of discipline of the trade union.

(2) The Board has no jurisdiction to hear a complaint made under subsection (1)(a) or (b) unless the complainant establishes to the satisfaction of the Board that

- (a) the complainant presented an appeal to the trade union in accordance with the appeal procedure established by the trade union, and
  - (b) the trade union failed to deal with the matter within 6 months of the date the complainant made that appeal.
- (3)** Subsection (2) does not apply when the Board is satisfied that
- (a) the action or circumstance giving rise to the complaint is such that the complaint should be dealt with without delay, or
  - (b) the trade union has not given the complainant ready access to a reasonable appeal procedure.