

## **Bill 83**

# **Protecting Vulnerable People Against Picketing Act, 2010**

---

### **Bill 83 2010**

*An Act to prevent picketing of supported group living residences*

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### **Purpose**

1. The purpose of this Act is to achieve a fair balance between,
  - (a) the right of every individual residing in a supported group living residence to the peaceful enjoyment of their home, free from harm and threats of harm; and
  - (b) the right of every individual to freedom of communication and expression in order to provide information about a labour dispute.

#### **Definitions**

2. (1) In this Act,
  - "developmental disability" means a condition of mental impairment, present or occurring during a person's formative years, that is associated with limitations in adaptive behaviour; ("déficience intellectuelle")
  - "person" includes a trade union; ("personne")
  - "supported group living residence" means a residence providing staff-supported residential accommodation in a group setting for persons with a developmental disability; ("résidence de groupe avec services de soutien")
  - "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers. ("syndicat")

### **Status of trade union**

(2) For the purposes of this Act and despite any other Act, a trade union is an entity that can be sued and prosecuted in its own name.

{Prohibition re picketing}

3. Despite any other Act, a person shall not, in connection with a labour dispute, engage in picketing of a supported group living residence.

{Prohibition re counselling, etc., a contravention}

4. (1) No person shall counsel, procure, support or encourage conduct that contravenes section 3.

{Prohibition re causing a contravention}

(2) No person shall do any act or omit to do any act if the action or omission is likely to result in another person engaging in conduct that contravenes section 3.

### **Civil liability**

5. (1) Every person who contravenes any provision of this Act is liable for any damages resulting from the contravention.

{Trade unions}

(2) If a trade union is found to be liable for damages for a contravention of this Act, all property held by or for the benefit of the trade union or its members shall be deemed to be property of the trade union and subject to execution, seizure or attachment for the damages.

{Same, exception}

(3) Subsection (2) does not apply to property held in respect of pension benefits, superannuation benefits, sickness or health insurance, supplementary unemployment benefits, vacation pay, holiday pay, severance pay, training or apprenticeship, life insurance, legal aid and such other benefits as may be prescribed by the Lieutenant Governor in Council.

### **Regulations**

(4) The Lieutenant Governor in Council may make regulations prescribing benefits for the purposes of subsection (3).

### **Offence**

6. (1) Every person who contravenes any provision of this Act is guilty of an offence and on conviction is liable,

(a) in the case of a person who is an individual, to a fine of not more than \$2,000;

(b) in the case of a person who is not an individual, to a fine of not more than \$25,000.

### **Continued offences**

(2) Each day that a person contravenes any provision of this Act constitutes a separate offence.

### **Commencement**

7. This Act comes into force on the day it receives Royal Assent.

### **Short title**

8. The short title of this Act is the Protecting Vulnerable People Against Picketing Act, 2010 .

**EXPLANATORY NOTE**

The Bill governs the picketing of supported group living residences in connection with labour disputes.

Section 3 of the Bill prohibits the picketing of supported group living residences where persons with developmental disabilities reside.

Subsection 4 (1) of the Bill prohibits counselling, procuring, supporting or encouraging a person to engage in conduct that contravenes section 3. Subsection 4 (2) of the Bill provides that actions and omissions that are likely to result in another person contravening section 3 are prohibited.

Section 5 of the Bill provides that a person who contravenes section 3 or 4 is civilly liable for damages resulting from the contravention. Section 6 of the Bill provides that it is an offence to contravene section 3 or 4.