



**EMOND
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LABOUR & EMPLOYMENT LAW
DROIT DU TRAVAIL ET DE L'EMPLOI

GUIDE

**A PRIMER ON
COLLECTIVE
BARGAINING IN
THE HEALTH SECTOR**

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OVERVIEW

KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS ALBERTA – LABOUR RELATIONS CODE, RSA 2000, C L-1

NOTICE TO BARGAIN

Either party may give written notice 60 to 120 days before the expiry of the collective agreement, or a longer period provided for in the collective agreement.

STATUTORY FREEZE

Except in accordance with the collective agreement or an established custom or practice, or with the union's consent, the employer cannot alter rates of pay, a term or condition of employment, or a right or privilege of the union or any represented employees.

The statutory freeze runs from when notice to bargain has been served until a strike or lockout commences or the union's right to represent the employees is terminated.

COMMENCEMENT OF BARGAINING

The parties must meet and commence bargaining within 30 days after notice to bargain is served. They must exchange proposals within 15 days after the first meeting, or within a longer time as agreed.

BARGAINING DUTIES

The parties must bargain in good faith and make every reasonable effort to enter into a collective agreement.

MEDIATION

The parties can request the appointment of a **mediator** for informal assistance anytime after notice to bargain is served. Any time after notice to bargain is served, whether or not informal mediation was made available, the Director of Mediation Services may appoint a mediator if requested by one or both parties, or shall appoint a mediator if required by the Minister.

For parties subject to the essential services provisions, a mediator may only be appointed if essential services requirements have been addressed through a filed essential services agreement ("ESA"), an exemption, or a declaration of compulsory arbitration, or if the Commissioner consents to the appointment.

If no settlement is reached at mediation, the mediator must recommend terms of settlement for the parties to accept or reject, or notify them that recommendations will not be made. If one party accepts the mediator's recommendations, it can request a vote on the acceptance or rejection of the recommendations by the other party.

There is a 14-day cooling-off period after mediation.

DISPUTES INQUIRY BOARD

The Minister can appoint a disputes inquiry board only once before a strike or lockout commences and once after. If no settlement is effected, the board will make recommendations. If a party does not accept the recommendations, a vote or employer poll, as applicable, will be conducted on acceptance or rejection of the recommendations.

STRIKES AND LOCKOUTS

The following are requirements for a strike or lockout:

- No collective agreement is in force (except under the *Code's* bridging provision).

This overview highlights key legislative provisions regarding collective bargaining and is not an exhaustive review of all applicable legislative or regulatory requirements. In particular, it focuses on negotiating the renewal of an existing collective agreement and does not address distinct provisions that may exist for first contract bargaining and arbitration. It also may not address distinct sector-specific requirements that may be applicable, including in other legislation. As this is a simplified overview only, readers should consult the legislation and regulations for complete information regarding the referenced provisions and topics, including with respect to applicable timelines. Timelines referenced are as shown in the legislative provision and do not account for adjustments that may be applied or deemed by other provisions, such as those addressing service or counting time. Given the speed and frequency at which the law can change, the content of this overview may not remain accurate subsequent to its preparation in September 2025.

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- For specified parties subject to the essential services provisions, an ESA has been filed or an exemption has been granted, and the parties are not subject to compulsory arbitration under the ESA provisions.
- A strike or lockout vote was held, a majority was in favour of strike or lockout, the results remain current (within 120 days after the vote was conducted), and the results were filed with the labour board.
 - No vote can be conducted until the 14-day cooling-off period after mediation has expired.
- 72-hour notice of the date, time, and location of the strike or lockout has been served on the other party and the mediator has been notified.
- If a disputes inquiry board was established before the strike or lockout commenced, 10 days have elapsed since the parties were served with the board's recommendations, or 72 hours have elapsed since they were notified of the results of a vote on the board's recommendations.
- The strike or lockout commences on the day and time and at the location specified in the notice. If a strike or lockout does not occur as specified in the notice, notice must be served again.

! See the **Essential Services** section below for specific provisions regarding strikes and lockouts.

LAST OFFER VOTE

At any time after proposal exchange, either party may apply to the labour board for a vote on acceptance or rejection of its most recent offer. If the labour board is satisfied that the offer could form a collective agreement if accepted, the board will conduct a vote or poll, as applicable. Each party may only request a vote once during each dispute.

ARBITRATION

Parties can voluntarily agree to refer disputed matters to binding arbitration. Arbitration is compulsory for certain employee groups who are not permitted to strike or be locked out, such as ambulance attendants. For parties subject to the essential services provisions, the Commissioner may order compulsory arbitration to resolve the dispute in certain circumstances if the provision of essential services will substantially interfere with meaningful collective bargaining.

! See the **Health Sector** and **Essential Services** sections below.

RATIFICATION

If requested, the other party must be advised if the authority to bargain is subject to ratification, and by whom.

FILING OF COLLECTIVE AGREEMENT

Each party must file a copy of the collective agreement within 30 days of entering the agreement.

ESSENTIAL SERVICES

Labour Relations Code

“Essential services” are services the interruption of which would endanger the life, personal safety or health of the public, or that are necessary to the maintenance and administration of the rule of law or public security. The essential services provisions apply to specified employers, including health sector employers such as hospitals, continuing care, supportive living, and home and community care.

An ESA must be filed for every round of bargaining. A party can give written notice at any time to begin negotiations for an ESA. An ESA must at least address the essential services to be maintained during a strike or lockout, the required classifications and number of positions, the method for assigning employees to perform the services, the procedures for responding to emergencies and foreseeable changes in the services, any changes to terms and conditions of employment of designated essential services workers, and identify at least one umpire available to provide timely resolution of ESA disputes.

An exemption to the requirements to negotiate and file an ESA may be granted if the employees do not perform essential services, or the services can be maintained by other capable and qualified persons, including replacement workers, who are not in the bargaining unit.

The parties can agree to use an umpire to mediate and settle an ESA. If they do not agree, one or both parties may apply to the Commissioner, who may appoint an umpire, settle the ESA provisions, or give other directions.

If an ESA acceptable for filing cannot be achieved and the provision of essential services during a strike or lockout will substantially interfere with meaningful collective bargaining, the Commissioner may declare that the dispute is to be resolved by way of compulsory arbitration. Compulsory arbitration may also be declared if, as a result of an emergency or unforeseeable change in circumstances, there has been a significant change to the essential services that must be maintained, and the change will substantially interfere with meaningful collective bargaining.

For specified parties subject to the essential services provisions, a strike or lockout is permitted only if an ESA has been filed or an exemption has been granted and the parties are not subject to compulsory arbitration under the ESA provisions. Workers who are designated as essential cannot strike or be locked out while an ESA is in effect. The collective agreement that applied to the parties at the time of service of notice to bargain is deemed to continue to apply during a strike or lockout in respect of designated essential services workers.

HEALTH SECTOR

Labour Relations Code

A member of the dental or medical profession qualified to practice under the laws of Alberta and employed in professional capacity is not considered an employee.

Regional Health Authority Collective Bargaining Regulation, Alta Reg 80/2003

The regulation prescribes bargaining units based on functional groups for regional health authorities: direct nursing care or nursing instruction; auxiliary nursing care; paramedical professional or technical services, including emergency health services; general support services; and advanced nursing care or nursing instruction performed by a nurse practitioner.

COLLECTIVE BARGAINING RESOURCES

Labour legislation	<ul style="list-style-type: none">• Labour Relations Code, RSA 2000, c L-1• Regional Health Authority Collective Bargaining Regulation, Alta Reg 80/2003
Guides to labour legislation	<ul style="list-style-type: none">• Guide to Alberta's Labour Relations Laws• Alberta Labour Relations Board Information Bulletins
Collective bargaining information	<ul style="list-style-type: none">• Alberta Publications – Bargaining Updates [2025]• Alberta Publications – Collective Agreement Wage Tables: Health Care and Social Assistance [2025]• Alberta – Job Market Trends and Profiles
Collective agreement database	<ul style="list-style-type: none">• Alberta Publications – Collective Bargaining Agreement Listing [2025]• Alberta Mediation Services Portal – CBA Search
French services legislation or policies	<ul style="list-style-type: none">• Alberta – French Policy: Enhancing services in French to support the vitality of Alberta's French-speaking communities• Alberta Health Services – French Health Services/Services de santé en français

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS BRITISH COLUMBIA – *LABOUR RELATIONS CODE, RSBC 1996, C 244*

NOTICE TO BARGAIN

Either party may provide written notice within 4 months immediately preceding the expiry of the collective agreement. If neither party gives notice 90 days or more before expiry, both are deemed to have given notice 90 days before expiry.

STATUTORY FREEZE

Neither party may alter any term or condition of employment without the other party's consent. However, after notice to the union, the labour board may authorize an employer to increase or decrease an employee's rate of pay or alter a term or condition of employment. The statutory freeze runs from when notice to bargain is given until a new collective agreement is negotiated, a strike or lockout commences, or the union's right to represent the employees is terminated, whichever occurs first.

COMMENCEMENT OF BARGAINING

The parties must commence bargaining within 10 days after the date of the notice to bargain.

BARGAINING DUTIES

The parties must bargain in good faith and make every reasonable effort to conclude a collective agreement.

MEDIATION

A **mediation officer** may be appointed at the request of either party after notice to bargain is given, or at the Minister's request at any time during bargaining. The mediation officer must report to the labour board regarding the dispute. If requested by either party or directed by the Minister, the mediation officer must provide a report about the dispute to the labour board and the parties that can include recommended terms of settlement. The Minister may appoint a **special mediator**, who must keep the Minister informed of the progress of the mediation.

FACT FINDING

The labour board may appoint a fact finder. The parties must give written notice to the fact finder and to each other about all matters they have agreed to include in a collective agreement and all remaining disputed matters. The fact finder must report to the labour board, and any relevant matters can be included in the report. The labour board must provide a copy of the report to the parties.

STRIKES AND LOCKOUTS

Strikes and lockouts are prohibited during the term of a collective agreement.

A strike or a lockout is not permitted until either the requirements detailed below have been met, or a lawful strike or lockout by the other party (as the case may be) has continued for longer than 72 hours. Requirements for a strike or lockout are as follows:

- A strike vote or lockout vote (applicable if an employers' organization represents a group of employers in the dispute) must be held and the majority must vote in favour of a strike or lockout. No vote is permitted until the parties have bargained. A strike or lockout is only permitted during the 3 months following the date of the vote.

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COLLECTIVE BARGAINING OVERVIEW – BRITISH COLUMBIA

- 72-hour written notice must be served on the other party and filed with the labour board. However, the labour board can direct that more than 72 hours is required for the protection of perishable property, or other property or persons affected by perishable property.
- If a mediation officer was appointed, 48 hours must elapse from the time the labour board informed the party intending to strike or lock out that the mediation officer has reported to the labour board **or** from the end of the notice period, whichever is longer.
- If essential services have been designated, and a strike or lockout affecting those essential services does not occur on the expiry of the notice period, new notice of at least 72 hours must be given.

An employer is prohibited from using certain replacement workers during a strike or lockout.

! See the **Essential Services** section below for specific provisions regarding strikes and lockouts.

LAST OFFER VOTE

Before the commencement of a strike or lockout, either party may request a vote on its most recent offer (applicable to the union where an employers' organization represents a group of employers in the dispute). Only one vote in the same dispute may be held for each party. The Minister can direct a vote during a strike or lockout if it is in the public interest.

FILING OF COLLECTIVE AGREEMENT

Each party must file a copy of the collective agreement within 30 days after its execution.

ESSENTIAL SERVICES

Labour Relations Code

If a dispute arises after bargaining has commenced, the labour board may investigate whether the dispute poses a threat to the health, safety, or welfare of the residents of British Columbia and report the results to the Minister. If the Minister believes that a dispute does pose such a threat, the Minister may direct the board to designate as essential services those facilities, productions and services that the board considers necessary or essential to prevent immediate and serious danger to the health, safety or welfare of the residents of British Columbia.

If the Minister makes a direction before a strike or lockout has commenced, then the parties cannot strike or lock out until the labour board makes an essential services designation. A strike or lockout that commenced before a direction is made may be continued, subject to any essential services designation by the labour board. A mediator may be appointed to help the parties reach agreement regarding essential services designations.

Employers, unions, and employees affected by an essential services direction or designation must comply with it. The terms of the collective agreement last in force will govern the employer-employee relationship while the designation remains in effect, except as amended by the labour board as needed to implement the essential services designation.

COLLECTIVE BARGAINING RESOURCES

Labour legislation	<ul style="list-style-type: none">• Labour Relations Code, RSBC 1996, c 244
Guides to labour relations legislation	<ul style="list-style-type: none">• British Columbia Labour Relations Board – Collective Bargaining
Collective bargaining information	<ul style="list-style-type: none">• BC Bargaining Database – Search BC Collective Agreements<ul style="list-style-type: none">◦ See accompanying notes, including wage settlement information• BC Bargaining Database – Latest Reports• Government of British Columbia – Labour Market Statistics
Collective agreements database	<ul style="list-style-type: none">• BC Bargaining Database – Search BC Collective Agreements• British Columbia Labour Relations Board – Collective Agreements

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS MANITOBA – THE LABOUR RELATIONS ACT, CCSM C L-10

NOTICE TO BARGAIN

Either party can give notice 30 to 90 days before the expiry of the term of the collective agreement, or a different period provided for by the collective agreement.

STATUTORY FREEZE

For 12 months after the day on which the collective agreement terminated, an employer cannot, without written union consent, decrease or increase wage rates or alter terms or conditions of employment in a manner that is not in accordance with the collective agreement, unless the union's bargaining rights are terminated or the employees have gone on strike or been locked out during that period.

COMMENCEMENT OF BARGAINING

Bargaining must commence within 10 clear days after notice to bargain is given, or further time as agreed.

BARGAINING DUTIES

The parties must bargain in good faith and make every reasonable effort to conclude a collective agreement.

CONCILIATION AND MEDIATION

The labour board shall appoint a **conciliator** at the request of either party after notice to bargain is given, or at the request of the Minister because the Minister believes that doing so is in the public interest. A **conciliation board** may be appointed where a conciliator does not bring about agreement between the parties, or if the Minister is of the opinion that a conciliation board should be appointed to endeavour to bring about agreement.

Where bargaining has commenced, the Minister shall appoint a **mediator** if the parties make a joint request. The Minister may appoint a mediator on the Minister's initiative if it is in the public interest, or at one party's request if the Minister considers it advisable.

Each conciliation board and mediator must report to the Minister, including their recommendations about any further proceedings that might be taken to facilitate settlement. The Minister must send a copy of the report to the parties. The parties may agree in writing to be bound by the recommendations of a conciliation board or a mediator.

STRIKES AND LOCKOUTS

Strikes and lockouts are prohibited while a collective agreement is in force.

No strike or lockout is permitted unless essential services have been addressed.

A strike is not permitted unless a strike vote is conducted and a majority of employees voted in favour of a strike. A strike or lockout will end if the labour board determines that the provisions of a collective agreement will be settled by the labour board or, if the parties agree, by an arbitrator.

An employer is prohibited from using certain replacement workers during a strike or lockout. Where a strike or lockout is intended to involve the cessation of work by all bargaining unit employees, an employer cannot use the services of any bargaining unit employee, subject to exceptions.

An employer can continue to use the services of a person who, before notice to bargain was given, performed work that is the same or substantially similar to the work of a striking or locked out bargaining unit employee, if the

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services are used in the same manner, to the same extent, and in the same circumstances as before notice to bargain was given.

An employer may use the services of replacement workers or bargaining unit employees if their services are used solely to deal with a threat to the life, health, or safety of any person, a threat of destruction of or serious damage to the employer's property or premises, or a threat of serious environmental damage, **and** the use of the services is necessary to deal with the situation because the employer is unable to do so by any other means.

! See the **Essential Services** section below for more information regarding strikes and lockouts.

LAST OFFER VOTE

Before or after the commencement of a strike or lockout, the Minister may, if it is in the public interest, order a vote of employees on acceptance or rejection of the employer's most recent offer.

ARBITRATION

If a collective agreement contains a procedure for settling disputes in collective bargaining without a work stoppage, by arbitration or otherwise, it will apply to such disputes before and after termination of the collective agreement, and the provisions of *The Labour Relations Act*, in so far as they are inconsistent with that provision, do not apply to the parties.

After the collective agreement has expired and a strike or lockout has commenced, either party may apply to the labour board to settle the collective agreement if at least 60 days have elapsed since the strike or lockout commenced, and the parties attempted to conclude a new collective agreement with the assistance of a conciliator, mediator, or other party jointly selected by the parties for a 30-day period of the strike or lockout.

If the labour board finds that the parties are bargaining in good faith but are unlikely to conclude an agreement within 30 days if bargaining continues, the strike or lockout will immediately terminate, and the provisions of the collective agreement will be settled by the labour board, or by an arbitrator if the parties provide joint notice to the labour board.

! See the **Essential Services** section below for more information on arbitration.

RATIFICATION

Within 30 days of reaching agreement on the renewal of the collective agreement through bargaining, the union must cause a vote of employees to be held to determine whether they accept or reject the proposed agreement.

FILING OF COLLECTIVE AGREEMENT

Forthwith after a ratification vote accepting the collective agreement, the parties must file 2 copies of the agreement.

ESSENTIAL SERVICES

The Labour Relations Act

During a strike or lockout, the parties must continue the supply of services, operation of facilities, or production of goods to the extent necessary to prevent a threat to the health, safety or welfare of residents of Manitoba, to maintain the administration of justice, or to prevent a threat of serious environmental damage ("essential services").

No later than 180 days before the expiry of the collective agreement, the parties must determine in writing if there are essential services to be maintained during a strike or lockout and file that determination with the labour board. If they fail to do so, or the Minister disagrees with their determination that there are no essential services, the labour board can designate essential services on an application.

If the parties determine that there are essential services or the labour board makes an order designating essential services, the parties must enter into and file an essential services agreement ("ESA"). An ESA must set out the manner and extent to which essential services will be continued, including the number of employees required to do so.

If the parties fail to enter into an ESA, either party can apply to the labour board to determine any question about the application of an ESA, or the parties can agree to arbitration to settle the terms of an ESA. The arbitrator must file their determination with the labour board. Once filed, the determination has the same effect as a labour board order.

If an order with respect to an ESA is made, the expired collective agreement continues while the order is in effect, except to the extent that the labour board may amend it in order to implement the order. The parties may not impede or prevent an employee who is required to work in accordance with an order from complying with the order.

A party can apply to the labour board for a finding that the order substantially interferes with meaningful collective bargaining. If the labour board so finds, it may order that all outstanding matters in dispute be settled. Any strike or lockout immediately terminates, and the provisions of the collective agreement will be settled by the labour board, or by an arbitrator if the parties provide joint notice to the labour board.

No strike or lockout is permitted unless the parties have filed an ESA or a determination that an ESA is not required, or the parties are subject to a determination in respect of the ESA that is made by the labour board or an arbitrator, and an arbitrator's determination has been filed with the labour board. Where the employer or bargaining unit provides essential services, there can be no strike or lockout unless 3 days' written notice has been served on the other party. The notice expires on the intended day. If no strike or lockout occurs on that day, new notice must be provided.

HEALTH SECTOR

The Health Sector Bargaining Unit Review Act, CCSM c H29

The legislation is applicable to provincial and regional health authorities, as defined. It outlines bargaining units for each health region and the provincial health authority based on the following employee classes: nurses, physicians, medical residents, physician assistants and clinical assistants, professional/technical/paramedical, facility support, and community support. A health region and the provincial health authority cannot have more than one bargaining unit for the unionized employees of each of the above classes.

The legislation establishes employers' organizations for each health region, consisting of the health region authority and prescribed health service employers in the region. It also establishes an employers' organization for the province-wide health employer and prescribed employers providing health services that are provincial in scope.

Prescribed health organizations are set out in the [Health Sector Bargaining Unit Review Regulation](#), Man Reg 7/2019.

COLLECTIVE BARGAINING RESOURCES

Labour legislation	<ul style="list-style-type: none"> • The Labour Relations Act, CCSM, c L10 • The Health Sector Bargaining Unit Review Act, CCSM c H29 <ul style="list-style-type: none"> ◦ Health Sector Bargaining Unit Review Regulation, Man Reg 7/2019
Guides to labour relations legislation	<ul style="list-style-type: none"> • Manitoba Labour Board – Guide to The Labour Relations Act • Manitoba Labour Board – Information Bulletins
Collective bargaining information	<ul style="list-style-type: none"> • Government of Manitoba – Manitoba Labour Market Outlook
Collective agreements	<ul style="list-style-type: none"> • Collective agreements may be requested from the Manitoba Labour Board Library
French services legislation or policies	<ul style="list-style-type: none"> • Government of Manitoba – French-Language Services Policy • French Language Services Regulation, Man Reg 46/98 • Bilingual and Francophone Facilities and Programs Designation Regulation, Man Reg 131/2013 • The Francophone Community Enhancement and Support Act, CCSM c F157

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS NEW BRUNSWICK – *INDUSTRIAL RELATIONS ACT, RSNB 1973, C I-4*

NOTICE TO BARGAIN

Either party may provide written notice 30 to 90 days before the expiry of the collective agreement, or a longer period prescribed by the collective agreement.

STATUTORY FREEZE

The parties cannot alter any term or condition of employment or any right, privilege, or duty of the parties or the employees, and the employer cannot alter wage rates, except with the consent of the other party.

The statutory freeze runs from when notice to bargain is given until the collective agreement is renewed or one of the following is met (whichever occurs first):

- A party requested a conciliation officer and 7 days have elapsed from the date the Minister notified the parties that it is not deemed advisable to appoint a conciliation officer or mediator;
- A conciliation officer or mediator was appointed and 14 days have elapsed since the Minister notified the parties that it is not deemed advisable to appoint a conciliation board;
- A conciliation board was appointed and 14 days have elapsed after the Minister released a conciliation board report to the parties; or
- The right of the union to represent the employees has been terminated.

COMMENCEMENT OF BARGAINING

The parties must commence bargaining within 20 days after notice to bargain was given, or such further time as agreed.

BARGAINING DUTY

The parties must make every reasonable effort to conclude a collective agreement.

CONCILIATION AND MEDIATION

After notice to bargain is given, either party may request a **conciliation officer** and the Minister must notify the parties whether it is deemed advisable to appoint one. The Minister may also appoint a conciliation officer in any other case in which the Minister believes it is advisable to do so. A conciliation officer must report to the Minister, including regarding their opinion about the advisability of appointing a conciliation board. After receiving the report, the Minister must notify the parties about whether it is deemed advisable to appoint a conciliation board.

The Minister can appoint a **conciliation board** if a conciliation officer fails to bring about agreement, or in any other case where the Minister believes that a conciliation board should be appointed to help bring about an agreement. A conciliation board must report its findings and recommendations to the Minister. The parties can agree to be bound by the conciliation board's recommendations or by the results of a vote on acceptance or rejection of the report.

Where the Minister is authorized to appoint a conciliation officer and has not appointed a conciliation board or notified the parties that it is not deemed advisable to appoint a conciliation board, the Minister can appoint a **mediator** to help effect a collective agreement. The appointment of a mediator will terminate a prior appointment of a conciliation officer, and the mediator's report will have the same effect as a conciliation officer's report.

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The Minister can appoint a **mediation officer** at any time to help bring about settlement of a dispute or to prevent a dispute. If the mediation officer cannot effect a settlement and the Minister has not appointed a conciliation board or notified the parties that it is not deemed advisable to appoint a conciliation board, the mediation officer shall make a report at the Minister's direction, and the report will be deemed to be a conciliation officer's report.

If the parties have not entered into a collective agreement within 15 months of a conciliation officer or mediator's appointment, they can jointly request another appointment of a conciliation officer or mediator.

STRIKES AND LOCK-OUTS

No strike or lock-out is permitted:

- While a collective agreement is in operation (with the exception of a dispute between the parties about the revision or renewal of a provision that is subject to revision or renewal during the term of the agreement).
- Until the first of the following occurs:
 - A party requested a conciliation offer and 7 days have elapsed from the date that the Minister released a notice to the parties that it is not deemed advisable to appoint a conciliation officer or mediator;
 - A conciliation officer or mediator was appointed and 7 days have elapsed after the Minister released a notice to the parties that it is not deemed advisable to appoint a conciliation board; or
 - A conciliation board was appointed and 7 days have elapsed after the Minister released the conciliation board's report to the parties.
- If a conciliation board has been appointed and the parties have agreed to be bound by the recommendations of the conciliation board or the award of an arbitrator or arbitration board. If the parties have agreed to be bound by a vote on the acceptance of a conciliation board's report, no strike or lock-out is permitted before a vote has been taken.
- Until a strike vote or, where applicable, a lock-out vote was taken within 1 year of the strike or lock-out and a majority voted in favour of a strike or lock-out.
- Until 24-hour written notice of a strike or lock-out has been given to the other party. If a strike does not commence after notice is given, and the employer gives the union written notice that a further period of up to 24 hours is required for an orderly shutdown of operations, the further notice must be given. If a strike does not occur within 6 hours after that elapsed time, a further similar notice must be given.

! See the **Essential Services** section for provisions applicable to some health organizations.

LAST OFFER VOTE

Either party can request in writing a vote on its most recent offer at any time after the 7-day period has elapsed since: the Minister released a notice to the parties that it is not deemed advisable to appoint a conciliation officer or mediator; the Minister released a notice to the parties that it is not deemed advisable to appoint a conciliation board; or the Minister released the conciliation board's report to the parties; whichever occurs first (as discussed in the **Strikes and Lock-Outs** section above).

Each party may only request a vote once during each dispute. The parties cannot request a vote if they agreed to be bound by the award of a conciliation board or an arbitrator/arbitration board, or by the result of a vote on acceptance of a conciliation board's report, unless the vote rejected the report.

ARBITRATION

The parties can submit the dispute to arbitration before an arbitrator or arbitration board by agreeing in writing to be bound by an award. The arbitrator or arbitration board must endeavour to bring about a settlement and formulate an agreement. If unsuccessful, the arbitrator or arbitration board must render an award.

RATIFICATION

If the persons bargaining collectively agree on collective agreement terms, they must forthwith put the terms in writing and, if required, refer the agreement to the parties for ratification or approval.

FILING OF COLLECTIVE AGREEMENT

Where a collective agreement has been executed, each party must file a copy of the collective agreement.

ESSENTIAL SERVICES

Essential Services in Nursing Homes Act, SNB 2009, c E-10.5

This legislation applies to nursing home employers and their employees certified under the *Industrial Relations Act*.

Essential services are defined as “services that, if interrupted, would endanger the life, personal safety or health of one or more of the residents of a nursing home.” During the collective agreement term, except in the 6 months before expiry, the employer can give written notice to the union and the labour board that the employer considers all or part of the bargaining unit’s services to be essential.

After receiving the notice, the labour board will establish time limits for the parties to reach an essential services agreement (“ESA”). An ESA must address the essential services to be maintained by the bargaining unit during a strike or lock-out, the level of service to be maintained to provide the essential services, the positions designated to provide the identified essential services, and the procedures for responding to emergencies and foreseeable changes to the identified essential services. Employees in designated positions cannot strike or be locked out.

The labour board will issue an order in accordance with the terms of an agreement between the parties. If the parties are unable to reach an ESA, the labour board will appoint a mediator. If the parties still cannot reach an ESA, the labour board will issue an order.

Once an employer gives notice, no strike or lock-out is permitted until the labour board has issued an order identifying the designated positions (including where the parties reached an ESA and communicated the terms to the labour board) and informed the employees in those positions, the required notice has been provided to the labour board, and any applicable *Industrial Relations Act* requirements are satisfied.

Upon the application of either party, if the labour board determines that the level of service to be maintained by the bargaining unit to provide essential services deprives the parties of a meaningful collective bargaining process, the labour board may order binding arbitration if bargaining is unsuccessful. If such an order is issued, no bargaining unit employee can strike or be locked out.

The parties must request a mediator prior to arbitration. If they cannot reach agreement through mediation, either party can request arbitration. The matter will be referred to arbitration if the labour board finds that the parties have bargained in good faith, but it is unlikely they will agree on the renewal of the collective agreement within a reasonable time.

HEALTH SECTOR

Public Service Labour Relations Act, RSNB 1973, c P-25 and Public Service Labour Relations Board Regulation, NB Reg 84-130

The legislation is applicable to EM/ANB Inc., New Brunswick Health and Senior Care Council, and both regional health authorities, represented by the Treasury Board. It establishes a labour relations framework for the public service with distinct collective bargaining provisions, including for essential services.

Notice to Bargain

Either party may provide written notice within the 6 months before the expiry of the collective agreement.

Statutory Freeze

The parties cannot change any term or condition of employment, except as agreed. The statutory freeze runs from when notice to bargain is given until the parties enter into a collective agreement, an arbitral award is issued, or a deadlock has been declared and the employees have authorized strike action.

Commencement of Bargaining

The parties must meet and start bargaining within 20 days after notice to bargain is given, or a further time as agreed.

Bargaining Duties

They must bargain in good faith and make every reasonable effort to conclude a collective agreement. Bargaining must not exceed 45 days from when it commenced, unless otherwise agreed.

Conciliation

A **conciliator** may be appointed at the request of either party to assist the parties in reaching agreement. The conciliator must report their success or failure to the labour board.

Within 15 days of the expiry of the deadline for bargaining, a **conciliation board** may be appointed at the request of either party where no commissioner has been appointed, or if the labour board believes the parties are not able to reach agreement and a conciliation board should be appointed. If the labour board believes that a conciliation board should not be appointed, it must immediately notify the parties. A conciliation board must report to the labour board. The parties may agree in writing to be bound by conciliation board's recommendations.

The labour board may appoint a **commissioner** instead of a conciliator. The commissioner must report their findings and recommendations to the labour board, which will have the same effect as a conciliation board report.

Declaration of Deadlock

At the request of either party, the labour board can declare a deadlock if: the deadline for bargaining has expired and the parties have not agreed to extend it; the labour board refused to appoint a conciliation board or a commissioner, or a conciliation board or commissioner was appointed and 7 days have expired since the conciliation board or commissioner's report to the labour board; and the parties have not agreed to binding arbitration.

The parties will be required to inform the labour board if they are willing to submit the dispute to binding arbitration. If either party is not willing, the labour board will notify the parties that the dispute will not be submitted to arbitration. Upon receipt of that notice, the union may conduct a strike vote.

Strikes and Lock-Outs

The requirements for a strike are as follows:

- A deadlock has been declared.
- A strike vote in which a majority of employees voted in favour of a strike was taken within 1 year of the strike action.
- At least 7 days have expired from the date that the union notified the labour board that a majority of employees voted in favour of strike action.
- 72-hour written notice has been given to the employer.

The requirements for a lock-out are as follows:

- The employees have taken strike action; and
- 24-hour written notice has been given to the union.

Last Offer Vote

Only once during a dispute, an employer may request a vote on its latest offer at any time after the declaration of deadlock. A vote cannot be requested if the dispute has been submitted to binding arbitration.

Arbitration

The parties may agree to binding arbitration by providing written notice to the secretary of the labour board, or if they both so inform the labour board in writing after the declaration of a deadlock.

Filing of Collective Agreement

Each party must file one copy of the collective agreement upon execution.

Essential Services

During the collective agreement term, except the 6 months before expiry, an employer can advise the union and the labour board of services it considers to be essential in the interest of the health, safety or security of the public. The parties must negotiate an ESA and file it with the labour board. If the parties cannot reach agreement, the labour board may appoint a mediator. If agreement cannot be reached, the labour board will determine the matters under the ESA.

The ESA must address the bargaining unit services that are necessary for the health, safety or security of the public; the level of service to be maintained to ensure delivery of the identified services; and the positions to be designated to provide the identified services.

Employees in designated positions may not strike or be locked out, and the terms and conditions of the expired agreement remain in force and apply to these employees.

COLLECTIVE BARGAINING RESOURCES

Labour legislation	<ul style="list-style-type: none">• Industrial Relations Act, RSNB 1973, c I-4• Public Service Labour Relations Act, RSNB 1973, c P-25• Essential Services in Nursing Homes Act, SNB 2009, c E-10.5
Guide to labour legislation	<ul style="list-style-type: none">• New Brunswick – Frequently Asked Questions – Industrial Relations
Collective bargaining information	<ul style="list-style-type: none">• New Brunswick Collective Bargaining Search• New Brunswick – Labour Market Reports
Collective agreement database	<ul style="list-style-type: none">• New Brunswick Collective Agreement Search
French services legislation or policies	<ul style="list-style-type: none">• Official Languages Act, SNB 2002, c O-0.5• Regional Health Authorities Act, RSNB 2011, c 217

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS NEWFOUNDLAND AND LABRADOR – LABOUR RELATIONS ACT, RSNL 1990, C L-1

NOTICE TO BARGAIN

Either party may provide written notice 30 to 60 days immediately before the expiry of the collective agreement, or a different period as provided for in the collective agreement.

STATUTORY FREEZE

If a renewal of the collective agreement has not been concluded before its expiry, an employer cannot decrease rates of wages or alter other terms or conditions of employment in effect immediately before the expiry of the agreement without the union's written consent, unless the labour board provides prior written approval.

The statutory freeze runs from when notice to bargain is given until the first of the following occurs:

- The renewal of the collective agreement is concluded;
- A conciliation officer has been appointed, 15 days have elapsed from the date the Minister received the conciliation officer's report, and a conciliation board has not been appointed; or
- A conciliation board has been appointed and 7 days have elapsed from the date the Minister received the conciliation board's report.

COMMENCEMENT OF BARGAINING

The parties must begin bargaining within 20 clear days after notice to bargain was given, or a further time as agreed.

BARGAINING DUTIES

The parties must bargain in good faith and make a reasonable effort to conclude a collective agreement.

CONCILIATION AND MEDIATION

Where notice to bargain has been given, a **conciliation officer** may be appointed at the request of either party, or where the Minister considers it desirable to do so. A conciliation officer must report to the Minister, including regarding the advisability of appointing a conciliation board.

A **conciliation board** may be appointed if a conciliation officer does not bring about a settlement, or before or after the start of a strike or lockout if the Minister considers it desirable to do so, or at the request of either party after the commencement of a strike or lockout. A conciliation board must report its findings and recommendations to the Minister. The Minister must send a copy of the report to each party. Each party must notify the Minister whether they accept or reject the recommendations wholly or partly, and identify the rejected recommendations. The parties can agree in writing to be bound by a conciliation board's recommendations.

A **mediator** may be appointed in lieu of conciliation board, or at any time after notice to bargain is given if the Minister believes that the appointment is likely to contribute to more harmonious industrial relationships between the parties. The appointment of a mediator terminates the prior appointment of a conciliation officer, if any. Certain provisions applicable to conciliation boards apply to a mediator, including the requirement to report to the Minister.

STRIKES AND LOCKOUTS

Except with respect to a dispute between the parties regarding the revision of a provision that is subject to revision during the term of the collective agreement, an employer bound by or that is a party to a collective agreement may not declare or cause a lockout with respect to an employee bound by the collective agreement or on whose behalf the agreement was entered into, and during the term of the collective agreement, an employee bound by a collective

This overview highlights key legislative provisions regarding collective bargaining and is not an exhaustive review of all applicable legislative or regulatory requirements. In particular, it focuses on negotiating the renewal of an existing collective agreement and does not address distinct provisions that may exist for first contract bargaining and arbitration. It also may not address distinct sector-specific requirements that may be applicable, including in other legislation. As this is a simplified overview only, readers should consult the legislation and regulations for complete information regarding the referenced provisions and topics, including with respect to applicable timelines. Timelines referenced are as shown in the legislative provision and do not account for adjustments that may be applied or deemed by other provisions, such as those addressing service or counting time. Given the speed and frequency at which the law can change, the content of this overview may not remain accurate subsequent to its preparation in September 2025.

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agreement or on whose behalf the collective agreement was entered into cannot go on strike and the bargaining agent cannot declare or authorize a strike of that employee.

The requirements for a strike or lockout are as follows:

- The parties have bargained in good faith and failed to conclude a collective agreement.
- 15 days have elapsed from the date that the Minister received the conciliation officer's report and no conciliation board has been appointed, **or** 7 days have elapsed since the date that the Minister received the conciliation board's report.
- For a strike, a strike vote has been taken and a majority voted in favour of a strike.

! See the **Health Sector** section below for more information regarding strikes and lockouts.

FILING OF COLLECTIVE AGREEMENT

Each party must file a copy of the collective agreement immediately upon its execution.

ESSENTIAL SERVICES

! See the **Health Sector** section below for more information regarding essential services under the *Public Service Collective Bargaining Act*.

HEALTH SECTOR

Public Service Collective Bargaining Act, RSNL 1990, c P-42

This legislation applies to public service employees, including those employed by the Provincial Health Authority established under the [Provincial Health Authority Act](#).

Notice to Bargain

Either party may provide written notice 30 to 60 days immediately before the expiry of the collective agreement, or a different period as provided for in the collective agreement.

Statutory Freeze

An employer cannot alter an employee's rates of wages or other terms or conditions of employment without consent from the employee and the bargaining agent. The statutory freeze runs from when notice to bargain is given until:

- A collective agreement is concluded, an adjudication board's judgment is given, or 20 days have elapsed since the Minister received a conciliation board's report, whichever occurs first; **OR**
- The Minister advises the parties that a conciliation board will not be appointed.

Commencement of Bargaining

The parties must start bargaining in good faith within 30 days after notice is given, or a further time agreed.

Bargaining Duty

The parties must make a reasonable effort to conclude a collective agreement.

Conciliation and Mediation

A **conciliation officer** may be appointed at the request of either party after notice to bargain is given if bargaining has not started within the required time, or has started but the parties cannot conclude a collective agreement. The conciliation officer must report to the Minister, including regarding the advisability of appointing a conciliation board.

After notice to bargain is given, a **mediator** may be appointed if the Minister believes that the appointment is likely to contribute to more harmonious industrial relationships between the parties. Where the Minister receives a request to appoint a conciliation board, the minister may appoint a mediator before making a decision with respect to appointing a conciliation board. The appointment of a mediator terminates the prior appointment of a conciliation officer, if any. Certain provisions applicable to conciliation boards apply to a mediator, including the requirement to report to the Minister.

A **conciliation board** may be appointed at either party's request, or if the Minister believes that the parties are unable to reach agreement. The conciliation board must report its findings and recommendations to the Minister. The Minister must send a copy of the report to each party. Each party must notify the Minister which recommendations are accepted or rejected.

Strikes and Lockouts

The requirements for a strike are as follows:

- 14 days have elapsed from the date that the Minister received a conciliation board's report **or** from the date that the Minister received a request to appoint a conciliation board and the Minister did not provide the parties with written notice requiring them to nominate a member of the conciliation board.
- A strike vote has taken place, a majority voted in favour of a strike, and 7 days have elapsed since the union gave the Minister written notice of the result of the vote.

The requirements for a strike for health service institution employees are as follows:

- A strike vote has taken place and a majority voted in favour of a strike, and 7 days have elapsed since the union gave the Minister written notice of the result of the vote and the date on which the strike will start.
- If the strike does not occur on the specified date, the employees may not strike for 1 month from the specified date and must provide fresh 7-day notice to the Minister (only one such notice per 1-month period).
- Employees must strike in one continuous period (not on a rotating basis).

An employer may not lock out employees who are prohibited from striking or participating in a strike. This provision does not apply where such prohibition is due to unreasonable delay in taking a strike vote, or the bargaining agent's notice to employees of the strike vote or notice to the Minister of the results of the strike vote).

Adjudication

If a majority of employees in a bargaining unit are considered or determined to be essential employees, every employee in the bargaining unit shall be considered an essential employee, if the union so advises the employer and the labour board. In this case, the dispute will be referred to adjudication after 14 days have elapsed from the date that the Minister received a conciliation board's report **or** from the date that the Minister received a request to appoint a conciliation board and the Minister did not provide the parties with written notice requiring them to nominate a member of the conciliation board.

Essential Services

An "essential employee" is defined as "one of a number of employees whose duties consist in whole or in part of duties the performance of which at a particular time or during a specified period of time is or may be necessary for the health, safety or security of the public." Essential employees may not strike.

The employer may (or shall, where ordered by the labour board upon union application) provide the labour board and union with a written statement of the number of employees in each classification in the bargaining unit who are considered to be essential employees. If the union objects, the labour board will make a determination, without exceeding the number contained in the employer's statement.

No strike vote or strike is permitted until the parties have agreed on, or the labour board has determined, the number of employees in each classification of the bargaining unit who are essential employees.

COLLECTIVE BARGAINING RESOURCES

Labour legislation

- [Labour Relations Act, RSNL 1990, c L-1](#)
- [Public Service Collective Bargaining Act, RSNL 1990, c P-42](#)

Collective bargaining information

- [Newfoundland and Labrador – Labour Market Information](#)

Collective agreement database

- [Newfoundland and Labrador – Collective Agreement Database](#)

French services legislation or policies

- [Newfoundland and Labrador – French Language Services Policy](#)

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS NOVA SCOTIA – TRADE UNION ACT, RSNS 1989, C 475

NOTICE TO BARGAIN

Either party may provide written notice within 2 months before the expiry of the collective agreement.

STATUTORY FREEZE

The employer cannot increase or decrease wage rates or alter any other term or condition of employment without the consent of the union or the labour board.

The statutory freeze runs from when notice to bargain is given until a new collective agreement is concluded or, if they have bargained without concluding a new agreement, either 14 days have elapsed from the date a conciliation officer made a report to the Minister, **or** 7 days have elapsed from the date the Minister received a conciliation board's report.

COMMENCEMENT OF BARGAINING

The parties must meet and commence bargaining within 20 clear days after notice to bargain is given, or further time as agreed.

BARGAINING DUTY

The parties must make every reasonable effort to conclude and sign a collective agreement.

CONCILIATION AND MEDIATION

Where notice to bargain has been given and bargaining has not commenced within the required time, or bargaining has commenced and either party requests a conciliation officer, or in any other case where the Minister believes it is advisable to do so, the Minister may appoint a **conciliation officer**. A conciliation officer must report to the Minister.

The Minister must appoint a **conciliation board** if a conciliation officer fails to bring about agreement and either or both parties apply for a conciliation board. A conciliation board must report its findings and recommendations to the Minister. The Minister must send a copy of the report to the parties. The parties may agree in writing to be bound by the conciliation board's recommendations.

The Minister may appoint a **mediation officer** at any time when the Minister believes the appointment may settle a dispute or prevent a dispute. If the mediation officer cannot effect a settlement, then with the Minister's consent, the mediation officer may report in accordance with the requirements for a conciliation officer's report and the report will be deemed to be a conciliation officer's report.

STRIKES AND LOCKOUTS

The requirements for a strike or lockout are as follows:

- The union is entitled to require the employer to commence bargaining, and the parties have bargained and failed to conclude a collective agreement.
- Either 14 days have elapsed from the date a conciliation officer's report was made to the Minister, **or** 7 days have elapsed from the date the Minister received a conciliation board's report.
 - No strike or lockout is permitted more than 6 months after these times expired, unless either party thereafter requested conciliation services and these times have again expired.

This overview highlights key legislative provisions regarding collective bargaining and is not an exhaustive review of all applicable legislative or regulatory requirements. In particular, it focuses on negotiating the renewal of an existing collective agreement and does not address distinct provisions that may exist for first contract bargaining and arbitration. It also may not address distinct sector-specific requirements that may be applicable, including in other legislation. As this is a simplified overview only, readers should consult the legislation and regulations for complete information regarding the referenced provisions and topics, including with respect to applicable timelines. Timelines referenced are as shown in the legislative provision and do not account for adjustments that may be applied or deemed by other provisions, such as those addressing service or counting time. Given the speed and frequency at which the law can change, the content of this overview may not remain accurate subsequent to its preparation in September 2025.

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- For a strike, a strike vote was held and the majority of employees voted in favour of a strike.
- The Minister has received 48-hour notice of a strike or lockout.
- For a board, commission or similar body that is an agency of Her Majesty in right of the Province, no strike is permitted until 30 days have elapsed from the expiry of any time during which a strike is prohibited as a result of the above requirements.

No strike or lockout is permitted while a collective agreement is in force, except in respect of a dispute regarding the revision of a provision of agreement that is expressly subject to revision during the term of the agreement. No strike or lockout is permitted where a vote of both employers and employees is in favour of the acceptance of a conciliation board's report.

! See the **Essential Services** section for provisions applicable to some health organizations.

ARBITRATION

! See the **Essential Services** section for provisions applicable to some health organizations.

FILING OF COLLECTIVE AGREEMENT

- Each party must file a copy of collective agreement forthwith upon execution

ESSENTIAL SERVICES

Essential Health and Community Services Act, SNS 2014, c 2

This legislation is applicable to employers providing health or community services, including health services under the [Health Authorities Act](#), ambulance and emergency health services, and services provided in a home for special care as defined in regulations under the [Homes for Special Care Act](#), among others.

The parties are required to negotiate an essential health or community services agreement (“ESA”). An “essential health or community service” is defined as a health or community service, duty or function necessary to enable an employer to prevent or limit loss of life, or serious harm or damage to or deterioration of:

- Mental or physical health of one or more persons; or
- Property required for the performance of an essential health or community service.

An ESA must be filed with the labour board and include work functions that constitute essential health or community services; the classifications and the number of employees in each classification required to perform essential services during a strike or lockout; the method of assignment of employees to perform essential services during a strike or lockout; and the procedures to respond to an emergency or an unanticipated increase in the need for essential services during a strike or lockout, including notice requirements.

The parties may request the appointment of a conciliation or mediation officer to assist them with negotiating an ESA. (This does not replace the parties’ conciliation obligation under the *Trade Union Act* for concluding and entering into a collective agreement.) Either party can apply to the labour board to settle an ESA if they cannot conclude an agreement.

An essential health or community services employee cannot strike or be locked out. No strike or lockout is permitted when there is no ESA in effect between the parties. The 14-day period after the conciliation officer reports to the Minister, as referenced in section 47 of the *Trade Union Act* in respect of restrictions on a strike or lock-out, cannot begin until the parties have entered into an ESA.

Upon application by a party, if the labour board finds that the level of activity required under an ESA deprives the parties of a meaningful right to strike or lock out, it may, among other things, order final and binding arbitration for all matters remaining in dispute with respect to concluding a collective agreement, but not before end of a statutory freeze.

While an order for arbitration is in effect, no bargaining unit employees may strike or be locked out. Upon the making of the order, the wage rates and all other terms and conditions of employment that were in effect immediately before

the end of the statutory freeze period will apply to all employees until a collective agreement is in force, unless the parties agree otherwise.

HEALTH SECTOR

Trade Union Act

A member of the dental or medical profession qualified to practice under the laws of a province and employed in that capacity is not considered an employee.

Health Authorities Act, SNS 2014, c 32

A “health authority” is defined as the provincial health authority or the IWK Health Centre. The legislation outlines 4 bargaining units of unionized employees for each health authority: nursing, health care, administrative professionals, and support. It provides for multi-employer bargaining to conclude a single collective agreement between the health authorities and a council of unions in respect of the 2 bargaining units represented by the council of unions.

The councils of unions and the bargaining units they represent at each health authority are as follows:

- The Nova Scotia Council of Nursing Unions: nursing (registered nurse or licensed practical nurse);
- The Nova Scotia Council of Health Care Unions: health care (engaged primarily in a clinical capacity to provide patient care and not included in the nursing bargaining unit);
- The Nova Scotia Council of Health Administrative Professional Unions: administrative professionals (engaged primarily in a non-clinical capacity, performing predominantly administrative or clerical functions); and
- Nova Scotia Council of Health Support Unions: support (engaged primarily in a non-clinical capacity, providing operational support for the provision of health services, and are not in the administrative professionals bargaining unit).

COLLECTIVE BARGAINING RESOURCES

Labour legislation

- [Trade Union Act, RSNS 1989, c 475](#)
- [Health Authorities Act, SNS 2014, c 32](#)
- [Essential Health and Community Services Act, SNS 2014, c 2](#)
- [Essential Home-support Services \(2014\) Act, SNS 2014, c 1](#)

Collective bargaining information

- [Government of Nova Scotia – Labour Market Information](#)

Collective agreement database

- [Government of Nova Scotia – Nova Scotia Labour Agreements](#)

French services legislation or policies

- [French-language Services Act, SNS 2004, c 26](#)
 - [French-Language Services Regulations, NS Reg 233/2006](#)

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS ONTARIO – LABOUR RELATIONS ACT, 1995, SO 1995, C 1, SCH A

NOTICE TO BARGAIN

Either party may provide written notice within the 90 days before the collective agreement ceases to operate, or in accordance with termination or renewal provisions in the collective agreement.

STATUTORY FREEZE

The employer cannot alter wage rates, and neither party can alter any term or condition of employment or any right, privilege, or duty of the parties or the represented employees, except with the other party's consent.

The statutory freeze commences when notice to bargain is given and no collective agreement is in operation, and ends upon the earlier of the following: a conciliation officer or mediator has been appointed and 7 days have elapsed since the Minister released their report to the parties, or 14 days have elapsed since the Minister released a notice to the parties that the Minister does not consider it advisable to appoint a conciliation board (referred to in this legislative overview as a "no-board notice"), **OR** the union's right to represent the employees has been terminated.

COMMENCEMENT OF BARGAINING

The parties must meet within 15 days from the giving of notice to bargain (or longer, as the legislation permits).

BARGAINING DUTIES

The parties must bargain in good faith and make every reasonable effort to make a collective agreement.

CONCILIATION AND MEDIATION

After notice to bargain is given, the Minister will appoint a **conciliation officer** at the request of either party. The Minister may appoint a conciliation officer where no notice to bargain was given, but the parties have bargained. A conciliation officer must report to the Minister.

Where the Minister is required or authorized to appoint a conciliation officer, the Minister may appoint a **mediator** jointly requested by the parties before appointing a conciliation board or providing the parties with a no-board notice. A mediator's appointment terminates an earlier appointment of a conciliation officer. A mediator must report their findings and recommendations to the Minister. A mediator's report has the same effect as a conciliation board's report.

If a conciliation officer cannot effect a collective agreement, the Minister will either appoint a **conciliation board** or provide the parties with a no-board notice. A conciliation board must report its findings and recommendations to the Minister.

The Minister must provide the parties with a copy of a mediator or conciliation board's report.

! See the [Health Sector and Essential Services](#) section below for more information for provisions specific to some health organizations.

STRIKES AND LOCK-OUTS

Requirements for a strike or lock-out (where the employer's sector permits) are as follows:

- No collective agreement is in operation.

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- 9 days have elapsed since the Minister is deemed to have released the conciliation board or mediator's report to the parties, or 16 days have elapsed since the Minister is deemed to have released the no-board notice to the parties.
- For a strike, a strike vote was held no more than 30 days before the agreement expired or any time after the agreement expired, and the majority voted in favour of a strike.

! See the **Health Sector and Essential Services** section below for more information for provisions specific to some health organizations.

LAST-OFFER VOTE

Before or after a strike or lock-out has commenced, the Minister will direct an employee vote on the acceptance or rejection of the employer's last offer if requested by the employer. The employer may only make one such request. The Minister may direct a last-offer vote after a strike or lock-out has commenced if it is in the public interest.

ARBITRATION

After notice to bargain is given, the parties can agree to resolve the dispute through final and binding arbitration.

! See the **Health Sector and Essential Services** section below for more information for provisions specific to some health organizations.

RATIFICATION

A proposed collective agreement or memorandum of settlement must be ratified by majority vote. Exceptions include collective agreements imposed by the labour board, settled by arbitration, or accepted in a last-offer vote.

FILING OF COLLECTIVE AGREEMENT

Each party must file a copy of the collective agreement forthwith after it is made.

ESSENTIAL SERVICES

Ambulance Services Collective Bargaining Act, 2001, SO 2001, c 10 and General, O Reg 633/05

This legislation applies to ambulance workers and employees in their bargaining unit, their unions and councils of trade unions, and their employers and the employers' organizations representing those employers, if the *Labour Relations Act, 1995* ("LRA") applies to their collective bargaining. It does not apply to those to whom the *Hospital Labour Disputes Arbitration Act* applies, among others.

Ambulance workers are defined as emergency medical attendants, paramedics, employees whose duties include dispatching ambulances, or employees prescribed as ambulance workers (the latter being employees whose duties include call-taking services required for the provision of ambulance services).

An employer and union must negotiate an essential ambulance services agreement ("EASA") in good faith no later than 180 days before the collective agreement expires and make every reasonable effort to make an EASA. Either party can request a conciliation officer to help the parties effect an EASA, or apply to the labour board to determine unresolved matters. Ambulance workers cannot strike or be locked out without an EASA in effect.

Among other things, an EASA must set out the number of ambulance workers required to provide essential ambulance services, identify the essential ambulance workers as well as the additional ambulance workers who may be called in due to an unanticipated emergency, and set out the order in which identified workers will be called in. Ambulance workers required under an EASA to provide essential ambulance services cannot strike or be locked out. An EASA cannot prevent an employer from using a person not covered by the agreement to perform work during a strike or lock-out.

“Essential ambulance services” include:

- Ambulance services provided to persons whose life, limb or functioning is endangered by a trauma suffered or an acute onset of illness, or who are in an unstable medical condition and require both the care of a health care provider, emergency medical attendant or paramedic and use of stretcher during transport;
- Call-taking and dispatching services for ambulance services (including fire and police services, if the employer provides integrated dispatching services); and
- Work performed on an ambulance to protect health and safety.

Either party may apply to the labour board for a declaration that the EASA deprives the parties of a meaningful right to strike or lock out. If the labour board so declares, then among other things, it can divide the bargaining unit into an ambulance worker unit and a non-ambulance worker unit and refer the ambulance worker dispute to final and binding interest arbitration. In that case, the ambulance worker bargaining unit cannot strike or be locked out. The wage rates, terms and conditions, and rights, privileges, and duties of the parties in effect immediately before the end of the statutory freeze will apply, unless the parties agree otherwise.

HEALTH SECTOR

Labour Relations Act

A member of the dental or medical profession entitled to practice in Ontario and employed in a professional capacity is not considered an employee.

Hospital Labour Disputes Arbitration Act, RSO 1990, c H.14 (“HLDAA”)

The legislation applies to hospital employees, their unions and councils of trade unions, and their employers. A hospital employee is defined as “a person employed in the operation of a hospital.”

A hospital is defined to include a hospital, sanitarium, sanatorium, long-term care home or other institution operated for the observation, care or treatment of persons afflicted with or suffering from any physical or mental illness, disease or injury or for the observation, care or treatment of convalescent or chronically ill persons, as well as the Ontario Agency for Health Protection and Promotion and Canadian Blood Services.

With certain exceptions, *HLDAA* modifies the dispute resolution process outlined in the *LRA*. Hospital employees cannot strike or be locked out. There is no option to appoint a mediator or a conciliation board. If a conciliation officer cannot effect a collective agreement, the dispute must be decided by arbitration. Where notice to bargain has been given and no collective agreement is in operation, the statutory freeze continues until the union’s right to represent the employees has been terminated.

COLLECTIVE BARGAINING RESOURCES

Labour legislation	<ul style="list-style-type: none"> • Labour Relations Act, 1995, SO 1995, c 1, Sch A • Hospital Labour Disputes Arbitration Act, RSO 1990, c H.14 • Ambulance Services Collective Bargaining Act, 2001, SO 2001, c 10
Guides to labour relations legislation	<ul style="list-style-type: none"> • Government of Ontario – Collective bargaining
Collective bargaining information	<ul style="list-style-type: none"> • Government of Ontario – Collective Bargaining Ontario Interactive Reports • Government of Ontario – Ontario’s Labour Market
Collective agreement database	<ul style="list-style-type: none"> • Government of Ontario – Collective Agreements Interactive Search • Government of Ontario – Collective Agreements e-Library Portal
French services legislation or policies	<ul style="list-style-type: none"> • French Language Services Act, RSO 1990, c F.32

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS PRINCE EDWARD ISLAND – LABOUR ACT, RSPEI 1988, C L-1

NOTICE TO BARGAIN

Either party may provide notice within the time outlined in the collective agreement, or if there is no such provision, at least 2 months before the expiry of the agreement.

STATUTORY FREEZE

The employer cannot increase or decrease wage rates or alter any other term or condition of employment without union consent. The statutory freeze commences when notice to bargain is given and ends when a collective agreement is concluded, or when the parties have bargained and failed to conclude a collective agreement and either:

- 14 days have elapsed from the date that a conciliation officer filed a report with the Minister and a conciliation board or mediator has not been appointed; or
- 7 days have elapsed from the date that a conciliation board or a mediator filed a report with the Minister.

COMMENCEMENT OF BARGAINING

The parties must commence bargaining within 20 days after notice to bargain is given, or a further time as agreed.

BARGAINING DUTY

The parties must make every effort to conclude a new collective agreement.

CONCILIATION AND MEDIATION

After notice to bargain is given, the Minister may instruct a **conciliation officer** to try to bring about agreement between the parties if bargaining has not commenced within the required time, either party requests a conciliation officer after bargaining has commenced, or the Minister believes it is advisable to do so. The conciliation officer must report to the Minister, including on the advisability of appointing a conciliation board or a mediator.

The Minister may appoint a **conciliation board** if a conciliation officer fails to bring about an agreement. The conciliation board must report to the Minister, including its findings and recommendations if no settlement is reached. The Minister will send a copy to the parties. The parties may agree to be bound by the conciliation board's recommendations.

The Minister may appoint a **mediator** instead of a conciliation board. The mediator will have the powers of a conciliation board and certain conciliation board requirements, including reporting to the Minister, will apply to the mediator.

STRIKES AND LOCKOUTS

Where the term of the collective agreement has expired or where negotiations pursuant to a reopener clause have failed, a strike or lockout is permitted if:

- The parties have bargained collectively and failed to conclude a collective agreement;
- 14 days have elapsed since a conciliation officer filed a report and no conciliation board or mediator has been appointed, **or** 7 days have elapsed since a conciliation board or mediator filed a report with the Minister; and

This overview highlights key legislative provisions regarding collective bargaining and is not an exhaustive review of all applicable legislative or regulatory requirements. In particular, it focuses on negotiating the renewal of an existing collective agreement and does not address distinct provisions that may exist for first contract bargaining and arbitration. It also may not address distinct sector-specific requirements that may be applicable, including in other legislation. As this is a simplified overview only, readers should consult the legislation and regulations for complete information regarding the referenced provisions and topics, including with respect to applicable timelines. Timelines referenced are as shown in the legislative provision and do not account for adjustments that may be applied or deemed by other provisions, such as those addressing service or counting time. Given the speed and frequency at which the law can change, the content of this overview may not remain accurate subsequent to its preparation in September 2025.

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- For a strike, a strike vote was taken and a majority of employees voted in favour of a strike. A strike vote cannot be taken until the conciliation or mediation requirement has been met.

There is no right to strike or engage in any stoppage of work for employees of ambulance services, Health PEI, and nursing homes or community care facilities, and for employees answering or dispatching emergency calls (including for ambulance services).

! See the **Arbitration** section below for information relating to employees who are not permitted to strike.

ARBITRATION

Final and binding arbitration applies in lieu of the right to strike or engage in any stoppage of work for employees of ambulance services, Health PEI, and nursing homes or community care facilities, and for employees answering or dispatching emergency calls (including for ambulance services).

Where the parties have complied with the notice to bargain and statutory freeze provisions, and where a conciliation officer has been appointed and has reported to the Minister, the Minister will appoint an arbitration board to resolve the matters upon which the parties have failed to reach agreement.

FILING OF COLLECTIVE AGREEMENT

Each party must file a copy of the collective agreement forthwith upon its execution.

HEALTH SECTOR

Labour Act

A member of the dental or medical profession entitled to practice in Prince Edward Island and employed in a professional capacity is not considered an employee for the purposes of Part I – Industrial Relations. Nurses and persons employed by a hospital are employees under Part I.

! See the **Strikes and Lockouts** and **Arbitration** sections above for provisions relating to certain health sector employees not permitted to strike or engage in a stoppage of work.

Health Services Act, RSPEI 1988, c H-1.6

This legislation requires Health PEI to engage in collective bargaining only through a negotiating committee established by the Minister of Health and Wellness. A negotiation committee cannot make an offer having financial implications without prior approval of the Treasury Board. A negotiation committee cannot enter into a collective agreement unless its proposed terms are approved by the Minister, Health PEI, and the Treasury Board.

COLLECTIVE BARGAINING RESOURCES

Labour legislation

- [Labour Act, RSPEI 1988, c L-1](#)
- [Health Services Act, RSPEI 1988, c H-1.6](#)

Collective bargaining information

- [Government of Prince Edward Island – Labour Force Survey Monthly](#)

Collective agreement database

- [Government of Prince Edward Island – Collective Agreements](#)

French services legislation or policies

- [French Language Services Act, RSPEI 1988, c F-15.2](#)

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS QUEBEC – LABOUR CODE, CQLR C C-27

NOTICE TO BARGAIN

Within the 90 days before the collective agreement expires, or another period set out in the agreement, either party may give at least 8 days' written notice of the day, hour, and place that the party will be ready to meet to bargain. If no notice is given, notice is deemed to have been received on the day the agreement expires.

STATUTORY FREEZE

An employer cannot change the conditions of employment without the union's written consent. The statutory freeze runs from the expiry of the collective agreement until the right to strike or lock out is exercised or an arbitration award is issued.

COMMENCEMENT OF BARGAINING

Negotiations must begin after notice to bargain is received or is deemed to have been received.

BARGAINING DUTY

Once notice to bargain is received or is deemed to have been received, negotiations must be begun and carried on diligently and in good faith.

CONCILIATION

The Minister will appoint a **conciliation officer** at the request of either party at any time during negotiations. A requesting party must give notice to the other party on the same day. The Minister may designate a conciliation officer on the Minister's initiative. The parties are bound to attend any meeting called by the conciliation officer. The conciliation officer will report to the Minister, at the Minister's request.

STRIKES AND LOCK-OUTS

The requirements for a strike or lock-out are as follows:

- 90 days have elapsed since notice to bargain was received or deemed to have been received;
- 48-hour written notice, including an indication of the number of employees in the bargaining unit, has been provided to the Minister after the declaration of a strike or lock-out;
- For a strike, a strike vote has been held and a majority voted to authorize the strike;
- For a lock-out, the union has acquired the right to strike; and
- The parties have not agreed to submit the dispute to an arbitrator.

Employers are prohibited from using certain replacement workers during a strike or lock-out.

A strike is not permitted during the period of a collective agreement, unless the agreement contains a clause permitting the revision of the agreement and the applicable conditions have been observed.

! See the [Essential Services](#) section below for provisions regarding strikes and lock-outs.

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LAST OFFER VOTE

At the employer's request, the Administrative Labour Tribunal (the "Tribunal") may order a vote on the employer's last offer if the Tribunal considers that it may foster the negotiation or making of a collective agreement. Only one such vote may be ordered during the negotiation of a collective agreement.

ARBITRATION

The Minister will refer the dispute to arbitration upon written application by the parties.

RATIFICATION

A collective agreement must be authorized by majority vote before it is signed.

FILING OF COLLECTIVE AGREEMENT

2 duplicate originals or true copies of the collective agreement must be filed before it can take effect. The filing has retroactive effect to the coming into force date in the collective agreement or, failing that date, the date of signing.

ESSENTIAL SERVICES

Labour Code, Chapter V.1, Division II – Public Services

Essential services provisions are applicable to public service employers, including certain health services such as hospital services, residential and long-term care services, and ambulance services.

The Tribunal can order both parties to maintain essential services if it believes that a strike may endanger public health or safety. The parties must then negotiate an essential services agreement ("ESA") and forward it to the Tribunal. The Tribunal can designate a person to help the parties reach agreement. If no agreement is reached, the union must forward to the employer and Tribunal a list determining essential services. The list cannot be amended except at the Tribunal's request. If the parties enter into an agreement after the list is filed, the agreement will prevail.

Upon receipt of an agreement or list, if the Tribunal considers the services to be insufficient, it can recommend amendments. It may also order the union to postpone a strike until the union informs the Tribunal of the action it intends to take regarding the Tribunal's recommendations.

If the Tribunal orders the parties to maintain essential services, the right to strike is suspended from the date of the Tribunal's decision until 7 clear working days have passed since either an ESA was forwarded to the Tribunal or the union has forwarded the list of services to the employer and Tribunal. The union must also give at least 7 clear working days' notice of the strike to the employer and the Tribunal. No strike is permitted until at least 90 days have passed since notice to bargain was received. The union must give notice if it does not intend to strike in accordance with the notice, or the time at which a return to work is intended.

Labour Code, Chapter V.1, Division III – Public and Parapublic Sectors

Essential services provisions are applicable to employers in the public and parapublic sectors, including "institutions," which are defined to include health and social services sector employers referred to in section 6 of the [*Act respecting the negotiation and determination of conditions of employment requirement national coordination in particular in the public and parapublic sectors*](#).

During a strike by an institution's employees, the parties must maintain essential services, which are services whose interruption may endanger public health or safety. The parties must negotiate an ESA, which must break down essential services per unit of care and class of care or services, ensure the normal operation of intensive care units and emergency units, if any, and ensure a person's freedom of access to the institution's services.

On the request of either party or on its own initiative, the Tribunal can designate a person to help the parties reach settlement. Any agreement must be sent to the Tribunal for approval. If there is no agreement, the union must send the Tribunal a list of essential services. Upon receipt of an agreement or list, if the Tribunal considers that it does

not comply with the requirements, it may make recommendations to the agreement or list or approve it with amendments.

A union must provide at least 7 clear working days' written notice of a strike to the employer and the Minister. A strike may not be declared unless the Tribunal has approved an ESA or a list of essential services, and the ESA or list was provided to the employer not less than 90 days previously.

An institution cannot declare lock-outs. The employer cannot change the conditions of employment of essential service employees without agreement between the parties.

HEALTH SECTOR

Labour Code, Chapter V.1, Division III

Bargaining for institutions (as defined in the section above) begins 180 days before the expiry of the collective agreement.

An Act respecting the negotiation and determination of conditions of employment requiring national coordination in particular in the public and parapublic sector, SQ 2025, c 23

The legislation provides a framework for bargaining conditions of employment requiring national coordination, including for ambulance technicians, emergency medical dispatchers, and personnel in the public and parapublic sectors, which include certain health and social services sector employers. The framework includes the following:

- The role of the Conseil du trésor with respect to establishing and bargaining conditions of employment requiring national coordination;
- The matters to be negotiated with the union by the Chair of the Conseil du trésor, or by sectoral negotiators (including the Minister of Health and Social Services, on behalf of health and social services sector employers);
- A timeline for the exchange of proposals;
- The ability of the parties to determine terms and conditions for discussions between the parties for the purpose of alleviating difficulties arising during the term of the agreement, and the extent to which the parties to a collective agreement can agree on local arrangements for amending the agreement, and the terms and conditions applicable to making or renewing those arrangements; and
- The ability of the parties to request that the Minister designate a conciliator, who must report to the Minister if requested by the Minister, or the ability of the parties to agree on a different conciliation procedure.

COLLECTIVE BARGAINING RESOURCES

Labour legislation	<ul style="list-style-type: none"> • Labour Code, CQLR, c C-27 • An Act respecting the negotiation and determination of conditions of employment requiring national coordination in particular in the public and parapublic sector, SQ 2025, c 23
Guides to labour relations legislation	<ul style="list-style-type: none"> • Le Code du travail en questions et réponses (in French only) • Tribunal administratif du travail du Québec – La notion de services essentiels (in French only)
Collective bargaining information	<ul style="list-style-type: none"> • Indice de croissance des taux de salaire négociés (in French only) • Getting Information about the Labour Market (in French only)
Collective agreement database	<ul style="list-style-type: none"> • Liste des conventions collectives en vigueur au Québec (in French only) • Corail (in French only)

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS SASKATCHEWAN – THE SASKATCHEWAN EMPLOYMENT ACT, SS 2013, C S-15.1

NOTICE TO BARGAIN

Either party may provide written notice 60 to 120 days before the expiry of the collective agreement.

STATUTORY FREEZE

After the expiry of a collective agreement, an employer cannot unilaterally change rates of pay, hours of work, or other conditions of employment without engaging with the union in collective bargaining respecting the change. While a matter is pending before a labour relations officer, special mediator, or conciliation board, an employer may not make or threaten any change in wages, hours, conditions or tenure of employment, benefits or privileges.

COMMENCEMENT OF BARGAINING

If notice to bargain is given, the parties must immediately engage in collective bargaining.

BARGAINING DUTY

The parties must engage in collective bargaining in good faith.

CONCILIATION AND MEDIATION

At either party's request or on the Minister's own initiative, the Minister may require the director of labour relations to appoint a **labour relations officer**, or may appoint a **special mediator** or **conciliation board**, to investigate, mediate, and report to the Minister on the dispute.

Where a party believes that bargaining has reached a point where agreement cannot be achieved, it must serve written notice on the other party and the Minister that an impasse has been reached, and the Minister must appoint a labour relations officer, special mediator, or conciliation board. The labour relations officer, special mediator, or conciliation board must give a report, recommendation, or decision to the Minister and the parties.

If a labour relations officer, special mediator, or conciliation board believes that settlement is unlikely before a strike or lockout, they must discuss with the parties whether it is necessary to establish a shutdown protocol to preserve the plant, equipment, and any perishable items.

STRIKES AND LOCKOUTS

Strikes and lockouts are prohibited during the term of a collective agreement.

The requirements for a strike or lockout are as follows:

- The parties have engaged in collective bargaining.
- A labour relations officer, special mediator, or conciliation board was established following the service of a notice of impasse; they either declined to recommend terms of settlement or the parties did not accept the recommended terms of settlement; the labour relations officer/mediator/conciliation board reported to the Minister and the parties that the dispute has not been settled; and 14 days have passed since the report.
 - Note that a 14-day period applies where no essential services are identified by the parties or there is an essential services agreement ("ESA") in place. A 7-day period applies where essential services are identified by either party and there is no ESA in effect.
- For a strike, a strike vote was held and a majority of employees voted in favour of a strike.

This overview highlights key legislative provisions regarding collective bargaining and is not an exhaustive review of all applicable legislative or regulatory requirements. In particular, it focuses on negotiating the renewal of an existing collective agreement and does not address distinct provisions that may exist for first contract bargaining and arbitration. It also may not address distinct sector-specific requirements that may be applicable, including in other legislation. As this is a simplified overview only, readers should consult the legislation and regulations for complete information regarding the referenced provisions and topics, including with respect to applicable timelines. Timelines referenced are as shown in the legislative provision and do not account for adjustments that may be applied or deemed by other provisions, such as those addressing service or counting time. Given the speed and frequency at which the law can change, the content of this overview may not remain accurate subsequent to its preparation in September 2025.

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- 48 hours' written notice has been given to the other party of the date and time of the commencement of the strike or lockout, and the minister was notified of same promptly after service of the notice.

While a matter is pending before a labour relations officer, special mediator, or conciliation board, an employer may not declare or cause a lockout and an employee or union may not commence to take part in or persuade an employee to take part in a strike.

No strike or lockout is permitted unless the parties have an ESA, or an essential services tribunal has made a decision regarding the applicable essential services requirements.

! See the **Essential Services** section below for specific provisions relating to strikes and lockouts.

LAST OFFER VOTE

At any time after the parties have bargained, a vote on the employer's last offer may be requested by the union, the employer, or a group of employees consisting of at least 45% of the bargaining unit or 100 employees, whichever is less. Only one vote may be held with respect to the same dispute, except that the Minister may require the labour board to order a vote on the recommendation of a labour relations officer, special mediator, or conciliation board or if the Minister considers it to be in the public interest, and such a vote will be in addition to one that is requested by a party or a group of employees.

ARBITRATION

! See the **Essential Services** section below for specific provisions relating to final and binding mediation-arbitration.

RATIFICATION

If one or both parties requires a ratification vote, the vote must commence within 14 days after, and conclude within 60 days after, the date on which the collective agreement was reached.

FILING OF COLLECTIVE AGREEMENT

Each party must file a copy of the collective agreement promptly after its execution.

ESSENTIAL SERVICES

The Saskatchewan Employment Act, Part VII

Essential services provisions apply to defined or prescribed public employers that provide an essential service to the public. If the parties have not concluded an ESA and a labour relations officer, special mediator, or conciliation board has reported to the Minister and the parties that the dispute has not been settled, the parties shall bargain to conclude an ESA as soon as reasonably possible. Despite that requirement, the parties can conclude an ESA at any time.

An ESA must address the essential services to be maintained, the classifications of employees required to maintain essential services and the number of positions in each classification, the manner of determining the locations where the identified positions are required to work, the manner of identifying and informing employees who are required to work during a work stoppage, and provisions setting out procedures to address an unanticipated change in the need for essential services during a work stoppage, an emergency during a work stoppage, or the resolution of disputes regarding changes to the ESA.

In the absence of an agreement, either party may serve a notice of impasse on the labour board, the Minister, and the other party, but no earlier than 7 days after the date on which the labour relations officer, special mediator, or conciliation board informed the minister that the dispute has not been settled. An essential services tribunal will be appointed by the parties and the labour board, and the tribunal will issue a decision regarding the applicable essential services requirements.

Final and binding mediation-arbitration will be required if the tribunal declares, or the parties agree, that the level of activity required to comply with an ESA or a tribunal decision substantially interferes with the exercise of the right to strike or lock out. If the tribunal makes such a declaration, any work stoppage must immediately cease.

Essential services employees cannot strike or be locked out.

HEALTH SECTOR

The Saskatchewan Employment Act, Part VI, Division 14 and The Health Labour Relations Reorganization Regulations, 2024, RRS c S-15.1 Reg 9

The legislation permits multi-employer bargaining units in the health sector, and requires health sector employers to use the designated employers' organization as the exclusive bargaining agent (the Saskatchewan Association of Health Organizations Inc.). A "health sector employer" means the provincial health authority, the Saskatchewan Cancer Agency, and employers prescribed by regulation (La Ronge Health Centre and eHealth Saskatchewan).

Health Labour Relations Reorganization (Commissioner) Regulations, RRS c H-0.03 Reg 1

The legislation applies to health districts and listed health sector employers, including hospitals and long-term care homes. It prescribes appropriate bargaining units, including multi-employer bargaining units, for the following employee groups: nurses (registered nurses or registered psychiatric nurses employed by a health sector employer); health support practitioners (employees of health sector employers functioning in specified occupations); and health services providers (employees of health sector employers other than a nurse, health support practitioner, chiropractor, dentist, duly qualified medical practitioner, or optometrist).

The legislation determines the trade unions for each appropriate bargaining unit. It designates the Saskatchewan Health Care Association (commonly known as the Saskatchewan Association of Health Organizations) as the representative employers' organization for all district health boards, listed employers, and other employers whose employees are added to a multi-employer appropriate unit.

COLLECTIVE BARGAINING RESOURCES

Labour legislation

- [The Saskatchewan Employment Act, SS 2013, c S-15.1](#) (Part VI)
 - [The Health Labour Relations Reorganization Regulations, 2024, RRS c S-15.1 Reg 9](#)
 - [The Health Labour Relations Reorganization \(Commissioner\) Regulations, RRS c H-0.03 Reg 1](#)

Guides to labour relations legislation

- [Government of Saskatchewan – Collective Bargaining and Mediation](#)

Collective bargaining information

- [Government of Saskatchewan – Labour Market Information](#)

French services legislation or policies

- [Government of Saskatchewan – French-Language Services Policy](#)

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS NORTHWEST TERRITORIES, NUNAVUT, AND YUKON – CANADA LABOUR CODE, RSC 1985, C L-2

NOTICE TO BARGAIN

Either party may give notice within the 4 months before the expiry of the collective agreement, or a longer period provided for in the collective agreement.

STATUTORY FREEZE

The employer cannot alter rates of pay or any other term or condition of employment, or any right or privilege of the employees or the union, without union consent.

The statutory freeze runs from when notice to bargain is given until:

- The parties have bargained but failed to enter into a collective agreement;
- The Minister has received notice from a party that they have bargained but failed to enter into a collective agreement (a “notice of dispute”); and
- 21 days have elapsed since the date that the Minister notified the parties of the intention not to appoint a conciliation officer or conciliation commissioner or establish a conciliation board, or notified the parties that a conciliation officer has reported (or was deemed to have been reported to), or released a copy of a conciliation commissioner or conciliation board’s report to the parties (or was deemed to have received the report).

Where the labour board has received an application by a party or a referral from the Minister in respect of the maintenance of activities requirement, the above-noted freeze applies until the later of the date on which the above-noted conditions have been met and the date on which the application or referral has been determined.

! See the **Maintenance of Activities** section below for more information.

COMMENCEMENT OF BARGAINING

The parties must meet and commence bargaining within 20 days after notice to bargain is given unless the parties otherwise agree.

BARGAINING DUTIES

The parties must bargain in good faith and make every reasonable effort to enter into a collective agreement.

CONCILIATION AND MEDIATION

After notice to bargain has been given, either party can provide a notice of dispute to the Minister. The Minister may then appoint a **conciliation officer** or a **conciliation commissioner**, establish a **conciliation board**, or notify the parties that the Minister does not intend to do so. The Minister may also appoint a conciliation officer or conciliation commissioner or establish a conciliation board without receiving a notice of dispute, if the Minister considers it advisable to do so. The Minister may only take one of these actions in any particular dispute involving a bargaining unit.

A conciliation officer, conciliation commissioner, or conciliation board must report to the Minister about whether they succeeded in helping the parties reach an agreement. A conciliation commissioner or conciliation board must also report as to their findings and recommendations. The Minister must release a copy of a conciliation commissioner or conciliation board’s report to the parties. The parties may agree to be bound by the recommendations of a conciliation commissioner or conciliation board.

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A **mediator** may be appointed at any time on request or on the Minister's own initiative, where the Minister deems it expedient. Where requested by the parties or the Minister, the mediator may make recommendations for settlement

STRIKES AND LOCKOUTS

Strikes and lockouts are prohibited during the term of a collective agreement (subject to exceptions that do not apply where notice to bargain to renew a collective agreement has been given).

Requirements for a strike or lockout are as follows:

- Notice to bargain has been given and the parties have failed to bargain within the required time, or have bargained but failed to enter into a collective agreement.
- The Minister has received a notice of dispute from either party, or has appointed a conciliation officer or conciliation commissioner or established a conciliation board because the Minister considered it advisable.
- 21 days have elapsed since the date that the Minister notified the parties of the intention not to appoint a conciliation officer or conciliation commissioner or establish a conciliation board, or notified the parties that a conciliation officer has reported (or was deemed to have been reported to), or released a copy of a conciliation commissioner or conciliation board's report to the parties (or was deemed to have received the report).
- 72 hours' notice of a lockout or strike was provided to the other party, with a copy to the Minister, unless a strike or lockout by the other party (as applicable) already occurred. If no strike or lockout occurred on the date indicated in the notice, new 72-hour notice was given, unless the parties agreed in writing otherwise.
 - No notice may be provided unless the parties have entered into and filed a maintenance of activities agreement, or the labour board has determined a maintenance of activities requirement application.
- The labour board has determined any maintenance of activities referral from the Minister. (However, a Ministerial referral made during a strike or lockout does not suspend the strike or lockout.)
- Unless a lockout or strike by the other party (as applicable) already occurred, a strike vote or, in the case of an employers' organization, a lockout vote was held within the previous 60 days and a majority voted in favour.
- The right to strike or lock out has not been suspended by the parties' agreement to refer the matter for final and binding determination.

With exceptions, during a strike or lockout, an employer cannot use the services of certain replacement workers or, if a strike or lockout is intended to involve the cessation of work of the entire bargaining unit, any bargaining unit employee.

An employer can continue to use the services of a contractor or another employer's employee in the same manner, to the same extent, and in the same circumstances as the employer used those services before notice to bargain was given.

An employer can use the services of a replacement worker or a bargaining unit employee to deal with an imminent or serious threat to the life, health, or safety of any person, threat of destruction of or serious damage to the employer's property or premises, or threat of serious environmental damage affecting the employer's property or premises, but only if the situation cannot be dealt with by any other means and bargaining unit employees are given the opportunity to perform the work before replacement workers are used.

An employer can use the services of a bargaining employee to comply with maintenance of activities requirements.

! See the [Maintenance of Activities](#) section below for more detailed information relating to strikes and lockouts.

LAST OFFER VOTE

After notice to bargain is given, the Minister may direct a vote of employees on acceptance or rejection of the employer's last offer, if the Minister believes that it is in the public interest.

FINAL AND BINDING DETERMINATION

The parties may agree to refer a matter to a person or body for final and binding determination. Such agreement suspends the right to strike or lock out.

! See the **Maintenance of Activities** section below for specific provisions relating to final and binding determination.

FILING OF COLLECTIVE AGREEMENT

Each party must file a copy of the collective agreement forthwith on its execution.

MAINTENANCE OF ACTIVITIES

Canada Labour Code

During a strike or lockout, the parties must continue the supply of services, operation of facilities, or production of goods to the extent necessary to prevent immediate and serious danger to the safety or health of the public.

Parties must enter into a maintenance of activities agreement (“MOAA”) no later than 15 days after notice to bargain is given and file it immediately after entering into it. The MOAA must set out the supply of services, operation of facilities, or production of goods that must be continued during a strike or lockout, as well as the manner and extent to which the supply, operation, and production must be continued, including the approximate number of employees required. If the parties believe that no service, operation, or production needs to be maintained, this must be set out in the MOAA.

If the parties do not enter into an agreement within the required time, either party can apply to the labour board to determine any question about applying the maintenance of activities requirement. The labour board can designate the continued supply of services, operation of facilities, or production of goods, and the manner and extent to which they must be continued.

If the labour board believes that the level of activity necessary to comply with the maintenance of activities requirement renders the right to strike or lock out ineffective, it may, upon application by either party, direct a binding method of dispute resolution to resolve the issues in dispute between the parties.

HEALTH SECTOR

! Specific collective bargaining provisions may apply to some health organizations. Please see the individual legislative overviews for the Northwest Territories, Nunavut, and Yukon.

COLLECTIVE BARGAINING RESOURCES

Labour legislation	<ul style="list-style-type: none">• Canada Labour Code, RSC 1985, c L-2 (Part I)
Guide to labour legislation	<ul style="list-style-type: none">• Employment and Social Development Canada – Collective Bargaining – Labour Program
Collective bargaining information	<ul style="list-style-type: none">• Employment and Social Development Canada – Collective Bargaining Information
Collective agreement database	<ul style="list-style-type: none">• Negotech

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS NORTHWEST TERRITORIES

COLLECTIVE BARGAINING

! See the **Northwest Territories, Nunavut, and Yukon** legislative overview for general collective bargaining provisions applicable under the *Canada Labour Code*.

HEALTH SECTOR

Public Service Act, RSNWT 1998, c P-16

This legislation applies to the public service, which includes (with applicable exceptions) the Tłıchō Community Services Agency established by the [Tłıchō Community Services Agency Act](#), the Territorial health and social services authority established under the [Hospital Insurance and Health and Social Services Administration Act](#), and Boards of Management as defined in the *Hospital Insurance and Health and Social Services Administration Act*.

The legislation establishes as a bargaining unit employees other than employees of the Northwest Territories Power Corporation and teachers and designates the Union of Northern Workers as the bargaining agent for that unit. Employees employed as dentists or medical practitioners are not eligible for membership in a bargaining unit.

The legislation establishes a labour relations framework for the public service with provisions on the collective bargaining process, including for essential services.

Notice to Bargain

Either party may give written notice.

Statutory Freeze

Any term or condition of employment in force on the day that notice to bargain was given will remain in force and be observed by the Minister, the employees' association, and the bargaining unit members, except as agreed by the Minister and employees' association.

The statutory freeze runs from the giving of notice to bargain until a new collective agreement is concluded, or the following conditions are met: 21 days have elapsed since a mediator was appointed, an essential services agreement ("ESA") is in effect, and there is no longer a collective agreement in effect.

Commencement of Bargaining

The parties must commence bargaining within 60 days after notice been given, or a further time as agreed.

Bargaining Duty

The parties must bargain collectively in good faith.

Mediation

Where the parties have bargained but have been unable to reach agreement on any term or condition of employment, a party may give notice stating that it wishes to submit the parties' differences to a **mediator**. The parties can appoint a mediator on agreement, or a party may apply to the Supreme Court for a mediator to be appointed.

The mediator must provide the parties with a report either recommending a resolution, or stating that the mediator will not make a recommendation and the reasons for not doing so. Where a recommendation is made, the parties must accept or reject the recommendation.

This overview highlights key legislative provisions regarding collective bargaining and is not an exhaustive review of all applicable legislative or regulatory requirements. In particular, it focuses on negotiating the renewal of an existing collective agreement and does not address distinct provisions that may exist for first contract bargaining and arbitration. It also may not address distinct sector-specific requirements that may be applicable, including in other legislation. As this is a simplified overview only, readers should consult the legislation and regulations for complete information regarding the referenced provisions and topics, including with respect to applicable timelines. Timelines referenced are as shown in the legislative provision and do not account for adjustments that may be applied or deemed by other provisions, such as those addressing service or counting time. Given the speed and frequency at which the law can change, the content of this overview may not remain accurate subsequent to its preparation in September 2025.

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Strikes

A bargaining unit employee cannot participate in a strike where:

- There is no ESA in effect;
- The employee is required to work pursuant to an ESA;
- A collective agreement applying to the employee’s bargaining unit is in effect; or
- No collective agreement applying to the employee’s bargaining unit is in effect, unless:
 - 21 days have elapsed since a mediator was appointed, and
 - The employees’ association has delivered 48-hour notice of a strike to the Minister, including the date, time, and initial location.

! See the **Essential Services** section below for more information on essential services agreements.

An employees’ association cannot declare, authorize, or threaten a strike that would involve the participation of an employee in contravention of the above restrictions.

Arbitration

! See the **Essential Services** section below regarding the arbitration of an essential services agreement.

Essential Services

“Essential services” means services that are necessary to ensure a continuation of minimal service

- To protect the health and safety of the public,
- To prevent destruction or serious deterioration of machinery, equipment or premises, or
- To prevent disruption of the administration of the courts,

and includes services provided by the most senior employee at each power plant who has responsibility for the on-site operation of the plant.

Within 20 days after notice to bargain has been given, or a further time as agreed, the parties shall bargain an ESA. The ESA must include the essential services that must be provided during a strike, the number of employees in the bargaining unit necessary to provide the essential services, the positions the incumbents of which are required to provide the essential services, the number of additional bargaining unit employees (in addition to the essential services employees) necessary to enable the Minister to respond in an emergency situation, the positions the incumbents of which are required to work in an emergency situation, and a protocol to deal with unanticipated emergency situations.

If the parties cannot reach an ESA, a party may give written notice to the other of its wish to resolve the differences through arbitration. The parties can agree on an arbitrator, or a party may apply to the Supreme Court for an arbitrator to be appointed. The arbitrator must provide the parties with a report setting out the award in respect of each submitted issue.

Once an ESA is made, the Minister must notify each bargaining unit employee who is required by the ESA to work during the strike, and indicate whether they are required to provide essential services or respond to an emergency situation. Employees who have been notified that the Minister is entitled to require them to work during a strike to provide essential services may not strike. Employees who have been notified that the Minister is entitled to require them to work during a strike to respond to an emergency situation, and who have been notified that they are required to work, may not strike during the emergency situation.

ADDITIONAL RESOURCES

Additional labour legislation	• Public Service Act, RSNWT 1988, c P-16
Additional resources	• Northwest Territories – Labour Market Information
French services legislation or policies	• Official Languages Act, RSNWT 1988, c O-1 • Northwest Territories – Official Language Policy

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS NUNAVUT

COLLECTIVE BARGAINING

! See the **Northwest Territories, Nunavut, and Yukon** legislative overview for general collective bargaining provisions applicable under the *Canada Labour Code*.

HEALTH SECTOR

Public Service Act, CSNu, c P-180

This legislation is applicable to the public service, which includes the several positions in or under any department or listed public body. It declares for greater certainty that a medical practitioner registered and licensed to practice under the *Medical Profession Act* who is engaged under a contract for services in the operation of a health facility is not employed in the public service.

The legislation establishes as a bargaining unit employees other than employees of the Qulliq Energy Corporation and teachers, and designates the Nunavut Employees Union as the employees' association for that bargaining unit. Employees employed as dentists or medical practitioners are not eligible for membership in a bargaining unit.

The legislation establishes a labour relations framework for the public service with provisions on the collective bargaining process, including for essential services.

Notice to Bargain

Either party may provide written notice.

Statutory Freeze

Any term or condition of employment in force on the day that notice to bargain was given will remain in force and be observed by the Minister, the employees' association, and the bargaining unit members, except as otherwise agreed by the Minister and employees' association.

The statutory freeze runs from the giving of notice to bargain until a new collective agreement is concluded, or the following conditions are met: 21 days have elapsed since a mediator was appointed, an essential services agreement ("ESA") is in effect, and there is no longer a collective agreement in effect.

Commencement of Bargaining

The parties must commence bargaining within 60 days after notice to bargain is given, or a further time as agreed.

Bargaining Duty

The parties must bargain collectively in good faith.

Mediation

Where the parties have bargained but have been unable to reach agreement on any term or condition of employment, a party may give notice stating that it wishes to submit the parties' differences to a **mediator**. The parties can appoint a mediator on agreement, or a party may apply to the Nunavut Court of Justice for a mediator to be appointed.

The mediator must provide the parties with a report either recommending a resolution of some or all submitted issues, or stating that the mediator will not make a recommendation and the reasons for not doing so. Where a recommendation is made, the parties must accept or reject the recommendation.

This overview highlights key legislative provisions regarding collective bargaining and is not an exhaustive review of all applicable legislative or regulatory requirements. In particular, it focuses on negotiating the renewal of an existing collective agreement and does not address distinct provisions that may exist for first contract bargaining and arbitration. It also may not address distinct sector-specific requirements that may be applicable, including in other legislation. As this is a simplified overview only, readers should consult the legislation and regulations for complete information regarding the referenced provisions and topics, including with respect to applicable timelines. Timelines referenced are as shown in the legislative provision and do not account for adjustments that may be applied or deemed by other provisions, such as those addressing service or counting time. Given the speed and frequency at which the law can change, the content of this overview may not remain accurate subsequent to its preparation in September 2025.

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Strikes

A bargaining unit employee cannot participate in a strike where:

- There is no ESA in effect;
- The employee is required to work pursuant to an ESA;
- A collective agreement applying to the employee’s bargaining unit is in effect; or
- No collective agreement applying to the employee’s bargaining unit is in effect, unless:
 - 21 days have elapsed since a mediator was appointed, and the employees’ association has delivered 48-hour notice of a strike to the Minister, including the date, time, and initial location.

! See the [Essential Services](#) section below for more information on essential services agreements.

An employees’ association cannot declare, authorize, or threaten a strike that would involve the participation of an employee in contravention of the above restrictions.

Arbitration

! See the [Essential Services](#) section below regarding the arbitration of an essential services agreement.

Essential Services

“Essential services” are services that are necessary to ensure a continuation of minimal service to:

- Protect the health and safety of the public;
- Prevent destruction or serious deterioration of machinery, equipment or premises;
- Prevent disruption of the administration of the courts; or
- Ensure the on-going operation of each power plant.

Within 20 days after notice to bargain has been given, or a further time as agreed, the parties shall bargain an ESA. The ESA must include the essential services that must be provided during a strike, the number of employees in the bargaining unit necessary to provide the essential services, the positions the incumbents of which are required to provide the essential services, the number of additional bargaining unit employees (in addition to the essential services employees) necessary to enable the Minister to respond in an emergency situation, the positions the incumbents of which are required to work in an emergency situation, and a protocol to deal with unanticipated emergency situations.

If the parties cannot reach an ESA, a party may give written notice to the other of its wish to resolve the differences through arbitration. The parties can agree on an arbitrator, or a party can apply to the Nunavut Court of Justice for an arbitrator to be appointed. The arbitrator must provide the parties with a report setting out the award in respect of each submitted issue.

Once an ESA is made, the Minister must notify each bargaining unit employee who is required by the ESA to work during the strike, and indicate whether they are required to provide essential services or respond to an emergency situation. Employees who have been notified that the Minister is entitled to require them to work during a strike to provide essential services may not strike. Employees who have been notified that the Minister is entitled to require them to work during a strike to respond to an emergency situation, and who have been notified that they are required to work, may not strike during the emergency situation.

ADDITIONAL RESOURCES

Additional labour legislation	• Public Service Act, CSNu, c P-180
Additional resources	• Nunavut – Labour Force and Employment Data
French services legislation	• Official Languages Act, CSNu, c O-20

OVERVIEW OF KEY COLLECTIVE BARGAINING LEGISLATIVE PROVISIONS YUKON

COLLECTIVE BARGAINING

! See the **Northwest Territories, Nunavut, and Yukon** legislative overview for general collective bargaining provisions applicable under the *Canada Labour Code*.

HEALTH SECTOR

Public Service Labour Relations Act, RSY 2002, c 185

This legislation is applicable to the public service. It establishes a labour relations framework for the public service with provisions on the collective bargaining process, including for essential services.

Notice to Bargain

Written notice to bargain may be given by either party:

- If no collective agreement or arbitral award is in force and neither party has requested arbitration; and
- If a collective agreement is in force, within the period of 2 months before it ceases to operate.

Statutory Freeze

Any term or condition of employment in force on the day that notice to bargain was given will remain in force and be observed by the employer, the bargaining agent, and the bargaining unit employees, except as otherwise agreed by the employer and bargaining agent.

The statutory freeze runs from the giving of notice to bargain until:

- In the case of a bargaining unit whose dispute resolution process is arbitration:
 - The parties have entered into a collective agreement; or
 - Where a request for arbitration in respect of that term or condition of employment (or one proposed to be substituted for it) has been made, a collective agreement has been entered into or an arbitral award has been rendered in respect thereof; and
- In the case of a bargaining unit whose dispute resolution process is conciliation:
 - The parties have entered into a collective agreement; or
 - 14 days have elapsed from the receipt by the chair of a conciliation board's report.

! See the **Deadlock – Arbitration or Conciliation Board** section below for more information.

Commencement of Bargaining

Where notice to bargain has been given, the parties shall start bargaining within 20 days after notice was given.

Bargaining Duties

The parties must bargain in good faith and make every reasonable effort to conclude a collective agreement.

This overview highlights key legislative provisions regarding collective bargaining and is not an exhaustive review of all applicable legislative or regulatory requirements. In particular, it focuses on negotiating the renewal of an existing collective agreement and does not address distinct provisions that may exist for first contract bargaining and arbitration. It also may not address distinct sector-specific requirements that may be applicable, including in other legislation. As this is a simplified overview only, readers should consult the legislation and regulations for complete information regarding the referenced provisions and topics, including with respect to applicable timelines. Timelines referenced are as shown in the legislative provision and do not account for adjustments that may be applied or deemed by other provisions, such as those addressing service or counting time. Given the speed and frequency at which the law can change, the content of this overview may not remain accurate subsequent to its preparation in September 2025.

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Conciliation

The chair may appoint a **conciliator** upon a written notice from either party of the parties' inability to reach agreement on any term or condition of employment that may be embodied in a collective agreement. The conciliator is required to report to the chair.

Deadlock – Arbitration or Conciliation Board

Where the parties have bargained but failed to reach agreement, either party can inform the chair that negotiations have broken down and request the chair to declare that a deadlock exists. If the chair is satisfied that the parties have bargained in good faith and that a deadlock exists, the chair will provide written notice to the parties declaring that a dispute exists.

The bargaining agent will then notify the labour board whether it chooses arbitration or referral to a conciliation board for dispute resolution. The choice will be the applicable process for all dispute resolution from the day the notice is received by the labour board until another notice to bargain may be given.

Arbitration

Where the bargaining agent chose **arbitration** as the dispute resolution mechanism, if the parties have not entered into a collective agreement and neither party has requested arbitration since the start of bargaining, either party may give written notice to the chair at any time requesting arbitration.

If either or both parties have requested arbitration, the chair will appoint an arbitrator. The arbitrator will make an award that is binding on the employer, bargaining agent, and represented employees.

Conciliation Board

Where the bargaining agent chose a **conciliation board** as the dispute resolution mechanism, either party may provide notice to the chair requesting that one be established. The chair will establish a conciliation board if either party requests one, or the chair believes that the establishment of a conciliation board may assist the parties in reaching agreement.

However, no conciliation board may be established until:

- Any conciliator that was appointed has reported to the chair that they were unable to help the parties reach agreement; and
- The parties have agreed, or the labour board has determined, the employees or classes of employees that are designated employees for the purposes of essential services.

! See the [Essential Services](#) section below for more information.

A conciliation board must report its findings and recommendations to the chair of the labour board. The chair must send a copy of the report to the parties. The parties may agree in writing to be bound by a conciliation board's recommendation.

Strikes

An employee in a bargaining unit for which the process for dispute resolution is arbitration may not strike. A designated employee (pursuant to the essential services provisions) may not strike.

! See the [Essential Services](#) section below for more information.

An employee is not permitted to strike where:

- A collective agreement applying to the employee's bargaining unit is in force; or
- No collective agreement applying to the employee's bargaining unit is in force, unless:
 - A conciliation board has been established and 14 days have elapsed from the chair's receipt of the conciliation board's report; and

- 48-hour notice of intention to strike, including the time the strike will start, has been delivered to the employer.

A union may not declare or authorize a strike that would involve the participation of an employee in contravention of the above restrictions.

Where a strike is permitted, an employer may not replace the striking employees or fill their positions with any other employees.

Essential Services

Within 20 days after notice to bargain is given, or further time as directed by the labour board, the employer shall provide to the labour board and bargaining agent a statement of the employees or classes of employees whose duties, in the employer’s opinion, either wholly or partly consist of duties that will be necessary to be performed in the interest of the safety or security of the public or public buildings.

If the bargaining agent files an objection to the statement, the labour board will determine which of the employees or classes of employees are designated employees. The labour board will inform all employees who are agreed by the parties or determined by the board to be designated employees.

ADDITIONAL RESOURCES

- | | |
|--------------------------------------|---|
| Additional labour legislation | • <i>Public Service Labour Relations Act, RSY 2002, c 185</i> |
| Additional resources | • <i>Government of Yukon – Find employment statistics for the Yukon</i> |
| French services legislation | • <i>Languages Act, RSY 2002, c 133</i> |



FACT SHEETS

THE COLLECTIVE BARGAINING PROCESS

STATUTORY FREEZE

- || During a statutory freeze period, an employer is not permitted to change the terms and conditions of employment, including rates of pay, without the consent of the bargaining agent.

- ❖ The statutory freeze is mandated by labour legislation.
 - Please see the provincial and territorial legislative overviews and applicable legislation for information on the length of the statutory freeze and the terms and requirements that apply for your province or territory.

- ❖ Depending on the legislation, changes to terms and conditions of employment may be allowed in accordance with the collective agreement, in accordance with an established custom or practice, or if permitted by the labour board.

- ❖ The “*business as usual*” and “*reasonable expectations*” tests may apply to determine whether a change is permissible.
 - Factors to be considered in the “business as usual” test may include:
 - Whether the change is consistent with a past practice.
 - Whether the decision to make the change was made and communicated prior to the start of the statutory freeze.
 - Whether the change is the result of a reasonable decision that would be made in the same circumstances but for the statutory freeze.
 - The “*reasonable expectations*” test considers whether the change was within the reasonable expectations of the employees.

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THE COLLECTIVE BARGAINING PROCESS

BARGAINING DUTIES

- ❖ Labour legislation typically provides for one or both of the following duties applicable to bargaining:
 - The duty to bargain in good faith.
 - The duty to make every reasonable effort to enter into a collective agreement.

- ❖ The applicable obligation applies to both the employer and the bargaining agent.

- ❖ A breach of the duties may constitute an unfair labour practice.

THE DUTY TO BARGAIN IN GOOD FAITH

- ❖ The duty to bargain in good faith does not necessarily require the parties to reach an agreement.

- ❖ In practice, the duty generally requires the parties to engage in a meaningful dialogue and be willing to exchange and explain their positions.

- ❖ For an employer, bad faith bargaining may be characterized by conduct designed to undermine the bargaining agent and avoid a collective agreement. Examples may include:
 - Failure or unavailability to meet.
 - Anti-union animus.
 - Misrepresentations or unreasonable positions.
 - Withholding relevant information.
 - Attacking the credibility of the bargaining agent.
 - Bargaining directly with employees.

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THE COLLECTIVE BARGAINING PROCESS

AT THE BARGAINING TABLE

THE INITIAL BARGAINING SESSION

- ❖ The opening statement is an opportunity to present the employer's bargaining objectives and priorities, and address any circumstances that will inform bargaining.
- ❖ The parties should set ground rules for the process and general expectations. For example:
 - Conduct: Members of the bargaining team must be courteous, respectful, and prepared.
 - Scheduling: Set the location, frequency, and duration of meetings.
 - Bargaining process: Determine the order of presentation, the right to caucus, the preparation and signature of items to which the parties agree.
 - Communication: Determine the nature of communications (e.g., joint communications, communication black-out, etc.).
 - See the **Strategic Considerations checklist** below on communication plans.
- ❖ Proposal exchange can be a simple exchange of documents, or a presentation by each party.
- ❖ The parties can privately assess the other team's proposals after exchange.

SUBSEQUENT SESSIONS

- ❖ The parties can present their proposals and respond to the other party's proposals, in turn.
- ❖ Sessions are an opportunity to explain and discuss proposals and to ask questions.
- ❖ Typically, parties bargain non-monetary proposals first.
 - Non-monetary proposals do not involve direct cost implications. Examples may include: contract language, procedural matters, and administrative issues that do not involve direct costs (e.g. management rights, grievance procedures, job posting provisions, etc.).

THE COLLECTIVE BARGAINING PROCESS

- Monetary proposals are items with direct cost implications. Examples may include: wages, premiums (overtime, shift, weekend, call-back), benefits, etc.

❖ Remember the importance of documenting (see **Documentation and Note Taking** below).

BARGAINING TABLE DYNAMICS

❖ Two styles of bargaining:

1. Distributive or positional bargaining:

- Win-lose.
- The parties defend their own proposals while resisting those of the other party.

2. Integrative or interest-based bargaining:

- Win-win.
- The parties present bargaining objectives and co-operatively attempt to find mutually beneficial solutions.

❖ Both styles may be used during the same round of bargaining, based on needs.

- For example, integrative bargaining may be used to discuss operational issues, and distributive bargaining may be used to negotiate compensation.

❖ Articulate your perspective.

- Be clear and concise.
- Defer to your spokesperson.
 - The time for internal discussions is during caucus, not at the bargaining table.
- Remain conscious of the physical impression that you are making.

❖ Observe the other side, including their body language and group dynamics.

THE COLLECTIVE BARGAINING PROCESS

- ❖ Set the tone for productive bargaining.
 - Listen actively.
 - Ask strategic questions.
 - Try to understand what the bargaining agent really wants.
 - Move the discussion from positions to interests.
 - Point out inconsistencies within proposals.
 - Keep a wide focus.
 - Big picture obligations versus the technicalities of a collective agreement.
 - What sort of precedent does this deal set?
 - Keep in mind the size of your negotiating “pie,” and look for ways to expand it after hearing the union’s proposals.

- ❖ Be strategic.
 - Time your concessions carefully.
 - Avoid getting bound to a position without corresponding commitments from the bargaining agent.
 - Avoid the desire to get the “best” deal – sometimes a reasonable deal is preferable.

- ❖ Pace the negotiations.
 - Avoid accepting offers too early.
 - Know when to leave the table.
 - Fatigue, lack of progress, irreconcilable positions, need for consultation, etc.
 - Will walking away now delay the deal but preserve the relationship?
 - Weigh the benefits and drawbacks to pushing for a deal, based on the dynamics around the table.

THE COLLECTIVE BARGAINING PROCESS

- ❖ Manage difficult negotiations.
 - Be alert to table tactics.
 - “Take it or leave it,” emotional outbursts, avoidance, vagueness, etc.
 - Develop a strategy for handling these tactics and apply them consistently.
 - Separate the people from the problem.

DOCUMENTATION AND NOTE-TAKING

- ❖ It is important to keep detailed notes of what is said at the bargaining table.
 - Best practice: track the progression of bargaining (e.g. agreed-to items, withdrawals).
 - In the case of a dispute in the future about the interpretation of certain language in the collective agreement, discussions held at the table about that language may become relevant to assess the parties’ intentions about what that language means.
- ❖ Keep detailed notes of each bargaining session, including dates, times, and the names of participants from both sides.
- ❖ Bargaining notes should be retained for future reference.
 - Consider assigning note-taking responsibilities to one member of the bargaining committee.



CHECKLISTS

PREPARING FOR BARGAINING

CHECKLIST: IDENTIFYING MANAGEMENT ISSUES

- Gather information on any **current and/or anticipated changes** to business needs, conditions, practices, policies
 - Organization's intermediate and long-term plans
 - Cost containment/productivity improvements
 - Strategies to improve labour relations

- Survey and obtain **input from key personnel**
 - Senior management, managers, front-line supervisors
 - Any interpretation issues or ambiguities in collective agreement provisions
 - Improvements or flexibility needed from management's perspective

- Review the **grievance/arbitration history**
 - Recurring issues
 - Interpretation of collective agreement provisions
 - Weaknesses in contract language or provisions

- Review **previous rounds of bargaining**
 - Issues that were raised and solutions that were proposed
 - Unmet demands that may be raised again in an upcoming round

- **Legal review** of the collective agreement (audit)
 - Ensure compliance with legislative changes
 - Note inconsistencies
 - Identify operational changes that require new language

CHECKLIST: EXTERNAL RESEARCH

- Gather data on **general economic trends**, including:
 - The state of the economy (provincial budgets, Bank of Canada reports, bank forecasts)
 - The Consumer Price Index and level of unemployment (Statistics Canada)
 - National and provincial wage settlement trends

- Determine **bargaining trends**
 - Wage settlement trends in the relevant sector, in the public/private sectors, in the same geographic area
 - Pressing issues in the relevant sector

- Determine **normative terms and conditions of employment** in the relevant sector, for similar employee groups
 - Identify local comparators, i.e. similar unionized organizations in the same geographic area
 - Review the collective agreements of identified comparators to determine overall compensation provisions:
 - Wage rates
 - Premiums
 - Paid holidays
 - Annual vacation
 - Leaves
 - Health and welfare benefits
 - Other relevant terms and conditions of employment
 - Further analysis on specific issues may be needed during bargaining once the parties' positions are known

! Please refer to the provincial and territorial legislative overviews for relevant resources by province or territory.

CHECKLIST: INTERNAL RESEARCH

○ Compile **bargaining unit data**

- Number of employees by classification and by status (full-time, part-time, casual, temporary)
- Number of employees by classification and by shift
- Age/gender distribution
- Seniority
- Absenteeism rates

○ Review the **collective agreements of internal comparators** (other unionized groups of the same employer)

- Recent bargaining and/or settlement results
- Key compensation elements
 - Paid holidays/Annual vacation
 - Leaves
 - Health and welfare benefits

○ Review **existing policies, procedures, and past practices**

CHECKLIST: FORMULATING PROPOSALS

- Identify **management priorities** based on the management issues identified in the information gathering stage
 - What does the organization want to achieve?
 - What are the priorities?
 - Shifts, benefits, wages, flexibility, long-term needs, etc.
 - What trade-offs can you offer?

- Obtain **approval for a bargaining mandate**

- **Formulate proposals**
 - The “must haves,” or proposals that must be achieved
 - The “nice to haves,” or proposals that the employer would like to achieve
 - The question is whether the employer would go through a strike or lockout (or to mandatory interest arbitration, if applicable) to achieve the proposal
 - Proposals for trading purposes
 - Counterproposals
 - Compromises on the employer’s initial proposals
 - Responses to anticipated union proposals

CHECKLIST: ANTICIPATING UNION DEMANDS

○ Review the **grievance/arbitration history**

- Recurring issues
- Decisions that the bargaining agent may see as a loss

○ Review **previous rounds of bargaining**

- Unmet demands that may be raised again in upcoming round

○ Review **announced operational changes** where the bargaining agent may seek additional or stronger protections

- Enshrining conditions of employment (e.g. hours of work, breaks)
- Additional job protection (e.g. the work of the bargaining unit, contracting out, lay-offs, seniority protections)

○ Identify **current issues in the sector**

- Review other sector-specific collective agreements and bargaining for normative terms and conditions of employment
- Review the union's website/blog/social media/campaigns
- Have discussions with your counterparts

○ If possible, **identify members of the union bargaining team**

- Classification, previous interactions with management

CHECKLIST: COSTING

❖ Review and cost the current overall compensation under the collective agreement over the last year of the collective agreement.

○ **Total payroll** (inclusive of all premiums and benefits)

○ **Wages**

- Total cost of regular wages
- Cost of overtime, overall and by classification
- Cost of incentive and performance programs

○ **Shift differentials and other premium payments**

Number of hours paid and total cost for each type of premium

- Afternoon/evening premium
- Night premium
- Weekend premium
- Reporting pay
- Call-back
- Stand-by
- Responsibility premium
- Acting pay
- Other:
- Other:

○ **Paid holidays**

- Overall cost
- Average cost per holiday

○ **Annual vacation**

- Overall cost
- Cost and number of employees for each level of vacation

○ **Leaves** (paid and unpaid)

Number of hours and value of banked leave

- Compensatory leave
- Sick leave
- Other:

Cost and usage for each type of leave

- General leave
- Sick leave
- Bereavement leave
- Pregnancy leave
- Parental leave
- Education leave
- Jury and Crown witness duty allowances
- Other:
- Other:
- Other:

○ **Allowances**

Cost and usage for each type of allowance

- Mileage allowance
- Overtime meal allowance
- Uniform and clothing allowance

PREPARING FOR BARGAINING

- Education allowance
- Other:
- Other:

○ **Health and welfare benefits**

- Overall cost and employer's share
- Total cost per benefit plan, and employer's share
- Cost per employee for each benefit plan, and employer's share

Actual usage of key benefits

- Drug coverage
- Extended health care benefits
 - Vision
 - Paramedical services
- Dental insurance
- Sick leave
- Short-term disability
- Long-term disability

○ **Pension plan or RRSP contributions**

- Overall cost

○ **Duration and cost of paid breaks**

CHECKLIST: ASSEMBLING THE BARGAINING TEAM

- Determine the size and composition of the bargaining team
- Include employer representatives from key service areas, such as:
 - Human resources/labour relations
 - Finance
 - Directors/managers/supervisors who have knowledge of day-to-day operational issues
 - Legal counsel (*ad hoc*)
- Distinguish the experienced and skilled negotiators
- Determine the roles and responsibilities of the team members. For example:
 - Spokesperson
 - Costing
 - Note-taking
 - Liaison with senior management
- Appoint a team member as spokesperson
- When choosing bargaining committee members and naming a spokesperson, consider:
 - The expertise required
 - Negotiation skills and experience
 - Conflicting goals and values and their potential impact on the process
 - The need to maintain a cohesive and united relationship amongst the team

ROLES OF THE BARGAINING TEAM

- Obtain a mandate
- Formulate proposals
- Attend bargaining
- Stay within the mandate

CHECKLIST: STRATEGIC CONSIDERATIONS

❖ Prepare Executive/Senior Management

- Explain the bargaining process
- Set out expectations and objectives
- Contingency planning
- Update regularly
- Obtain and maintain a clear negotiating mandate

❖ Develop Communication Plans

- To communicate bargaining progress to all employees
- To communicate bargaining progress to stakeholders
- To cultivate the relationship with bargaining agent
- To inform and cultivate local media – do not bargain through the media

❖ Contingency Planning

- Develop a possible informal resolution process in case of a bargaining impasse
- Assess the likelihood of a strike/lockout
 - Identify possible strike/lockout issues
- Prepare a strike/lockout plan and committee
- Develop a publicity/communication strategy

PREPARING FOR BARGAINING

CHECKLIST: PREPARING FOR STRIKE OR LOCKOUT

Strike action may take different forms, such as work-to-rule, a blanket refusal to work overtime, work slowdowns, a rotating withdrawal of services, or a full walkout.

A general strike by a union is typically the last option.

The bargaining agent needs to be in a legal strike position for these actions to be undertaken by employees in concert.

ESSENTIAL SERVICES

- Determine if legislative provisions on essential services apply
- If required, negotiate an essential services agreement with the bargaining agent
 - Please refer to the provincial and territorial legislative overviews for further details on legislative requirements

! An essential services agreement does not replace a strike/lockout plan

DEVELOPING A STRIKE/LOCKOUT PLAN

❖ A strike/lockout plan is a proactive blueprint outlining how services and operations will be maintained in the case of a strike/lockout, based on the worst-case scenario (i.e. full walkout and no replacement workers).

! No amount of planning can account for every possibility. Flexibility and adaptability are key.

1. Risk assessment

- Operations most affected by a strike
 - Customer service
 - Logistics
 - Supply chain management

This document provides general information and practical considerations for the conduct of collective bargaining in Canada and is not intended to address substantive legal requirements relating to collective bargaining. It is intended for informational purposes only and its contents do not constitute legal advice or opinion. Readers should not act, or fail to act, on anything based on the information in this document without first obtaining appropriate legal advice from a licensed legal professional. Given the speed and frequency at which the law can change, the content of this document may not remain accurate or complete subsequent to its preparation in September 2025.

PREPARING FOR BARGAINING

- Human resources available to work during strike/lockout
 - Non-unionized employees (supervisory and management staff)
 - Non-striking employees (from other bargaining units not on strike)
- Safety and security of customers/visiting public
 - Access routes
 - Crossing of picket lines
- Safety and security of staff
 - Member of striking union wishing to report to work
 - Members of other bargaining units refusing to cross picket line
 - Crossing of picket lines
- Safety and security of premises, business assets, and equipment
 - Security measures
 - Additional security presence
 - Relocation, where possible

2. Operational continuity

- Designate key point persons
 - HR coordinator
 - Security coordinator
 - Communications coordinator
 - Essential services coordinator
 - Finance/admin coordinator
- Determine the level of services and operations that can be maintained
- Determine which location will be open or closed
- Cross-train excluded and non-striking employees
- Use of replacement workers/outsourcing, where permissible
- Safeguard property and facilities
- Picket line issues

PREPARING FOR BARGAINING

3. Communication strategy

- Internal communication
 - Internal communication channels dedicated to strike preparation and management
 - Regular updates to supervisory and management staff as situation develops and strike plan evolves
 - Duty assignment during strike
 - Rights of resources for employees not participating in the strike
- External communication
 - To customers and the public
 - To manage expectations and maintain public trust
 - To media
 - To respond to media requests
 - To preserve reputation

4. Legal compliance

- Conditions necessary for lawful strike/lockout
- Requirements for an essential services agreement, if applicable
- Use of replacement workers
- Picket line issues

RESPONDING TO AN ILLEGAL STRIKE

- Inform union officials of the situation
- Remind union officials and employees of the prohibition against unlawful strikes and possible penalties
- Complain to the labour board, if necessary

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**AN INTEGRAL PART
OF YOUR TEAM**

**PARTIE INTÉGRANTE
DE VOTRE ÉQUIPE**