

**COLLECTIVE BARGAINING DISPUTE RESOLUTION PROCESS IN THE PUBLIC AND PARAPUBLIC SECTORS IN CANADA**

	<b>Public Servants</b>	<b>Hospital Employees</b>	<b>Public School Teachers/ College and University Professors</b>	<b>Police Officers</b>	<b>Municipal Fire Fighters</b>	<b>Employees of Crown Corporations</b>
<b>Federal</b>	Union choice of arbitration or strike <sup>1</sup>	Union choice of arbitration or strike. <sup>1</sup> Strike/lockout <sup>1</sup> in Yukon	Strike/lockout for some schools in the N.W.T., and schools run by band councils on Indian reserves	R.C.M.P. officers are not covered by a collective bargaining statute <sup>2</sup>	Strike/lockout <sup>1</sup> for firefighters at airports and for municipal firefighters in N.W.T., Nunavut and Yukon	Strike/lockout <sup>1</sup> for most Crown corporations
<b>Alberta</b>	Strike/lockout ban; arbitration at the request of either or both parties <sup>3</sup>	Strike/lockout ban; arbitration at the request of either or both parties, or the Minister <sup>3</sup>	P&S <sup>4,5</sup> - Strike/lockout C – Binding arbitration U <sup>6</sup> - Negotiating procedures agreed to by the parties	Strike/lockout ban; arbitration at the request of either or both parties <sup>3</sup>	Strike/lockout ban; arbitration at the request of either or both parties or on Minister's own initiative <sup>3</sup>	Same as for public servants
<b>British Columbia</b>	Strike/lockout <sup>1</sup>	Strike/lockout <sup>1</sup>	P&S <sup>1,5</sup> - Provincial level (incl. "cost provisions"): strike/lockout; local level: either party may refer dispute to provincial bargaining C and U - Strike/lockout	At the request of either party, Minister may order arbitration if certain conditions are met <sup>1</sup>	At the request of either party, Minister may order arbitration if certain conditions are met <sup>1</sup>	Strike/lockout <sup>1</sup>
<b>Manitoba</b>	Arbitration at the request of either party <sup>1</sup>	Strike/lockout <sup>1</sup> City of Winnipeg paramedics: same as for municipal fire fighters	P&S <sup>5</sup> - Strike/lockout ban; arbitration proceedings may be initiated by either party U - Strike/lockout	M.P. <sup>7</sup> Strike/lockout. Strike/lockout ban in Winnipeg, arbitration at the request of either or both parties	Strike/lockout ban; arbitration at the request of either or both parties	Strike/lockout
<b>New Brunswick</b>	Strike/lockout <sup>1,3</sup>	Strike/lockout <sup>1,3</sup>	P&S <sup>5</sup> - Strike/lockout <sup>3</sup> U - Strike/lockout	Strike/lockout ban; arbitration at the request of either party	Strike/lockout ban; arbitration at the request of either party	Strike/lockout <sup>8</sup>
<b>Newfoundland and Labrador</b>	Strike/lockout <sup>1,9</sup>	Strike/lockout <sup>1,9</sup>	P&S <sup>5</sup> - Strike/lockout U - Strike/lockout	M.P. <sup>7</sup> - Strike/lockout R.N.C. - Strike ban; arbitration at the request of either party <sup>3</sup> (final offer selection for wages, if they are in dispute)	Strike/lockout. St. John's Fire Dpt. - strike ban; arbitration at the request of either party	Strike/lockout <sup>10</sup>

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<b>Northwest Territories and Nunavut</b>	Strike <sup>1</sup>	Strike <sup>1</sup>	P&S <sup>5</sup> - Strike	See Federal	See Federal	Strike <sup>1</sup> (including the NWT Power Corporation)
<b>Nova Scotia</b>	Strike/lockout ban; arbitration at the request of either or both parties	Strike/lockout	P&S <sup>5</sup> - Provincial level (including salaries): strike/lockout; local level: strike/lockout ban; arbitration at the request of either party. U - Strike	Arbitration at the request of either party	Strike/lockout	Strike/lockout
<b>Ontario</b>	Strike/lockout <sup>1</sup>	Strike/lockout ban; arbitration after parties are notified that conciliation was unsuccessful <sup>3</sup> . Land ambulance workers employed by municipalities: strike/lockout <sup>1</sup>	P&S <sup>5</sup> - Strike/lockout C - Strike/lockout U - Strike/lockout	M.P. <sup>7</sup> and O.P.P. - ban on withholding of services; after conciliation, arbitration at the request of either party <sup>3</sup>	Strike/lockout ban; arbitration after parties are notified that conciliation was unsuccessful <sup>3</sup>	Strike/lockout. Some designated Crown corporations are covered by the collective bargaining legislation applying to public servants
<b>Prince Edward Island</b>	Arbitration at the request of either party or on Minister's own initiative <sup>3</sup>	Strike ban; after conciliation, mandatory arbitration	P&S <sup>5</sup> - Arbitration at the request of either party or on Minister's own initiative <sup>3</sup> U - Strike/lockout	Strike ban; after conciliation, mandatory arbitration	Strike ban; after conciliation, mandatory arbitration	Same as for public servants
<b>Quebec</b>	Strike/lockout <sup>1</sup> , except peace officers <sup>11</sup> . In the latter case, a union/employer committee makes recommendations to the government for approval by decree.	Strike/lockout <sup>1,12</sup>	P&S <sup>5</sup> - Strike/lockout <sup>12</sup> C - Strike/lockout <sup>12</sup> U - Strike/lockout	M.P. <sup>3,7</sup> and S.Q. <sup>7,13</sup> - strike/lockout ban; M.P. - same as for fire fighters. S.Q. - recommendations of a union-employer committee or of an arbitrator to the government for approval	Strike/lockout ban; arbitration after receipt of a report of unsuccessful mediation or at the request of either party <sup>3</sup>	Strike/lockout <sup>13,14</sup>

	Public Servants	Hospital Employees	Public School Teachers/ College and University Professors	Police Officers	Municipal Fire Fighters	Employees of Crown Corporations
<b>Saskatchewan</b>	Strike/lockout	Strike/lockout	P&S <sup>5</sup> - Union choice of arbitration at the request of either party or strike U - Strike/lockout	Strike/lockout	Strike/lockout; arbitration requested by either party is binding only if the constitution of the local union prohibits strikes	Strike/lockout
<b>Yukon</b>	Union choice of arbitration at the request of either party or strike <sup>1</sup>	See Federal	P&S <sup>5</sup> - Union choice of arbitration at the request of either party or strike	See Federal	See Federal	

Labour Law Analysis; International and Intergovernmental Labour Affairs  
Labour Branch; Human Resources and Skills Development Canada  
January 1, 2006

<sup>1</sup> Employees are prohibited from participating in a strike when they are required to provide essential services under the applicable labour relations legislation.

<sup>2</sup> Royal Canadian Mounted Police officers are not covered by the *Canada Labour Code* or the *Public Service Staff Relations Act*.

<sup>3</sup> In interest arbitration cases, an arbitrator, an arbitration body, or a selector (in final offer selection cases) must take into account specific criteria when making an award, including economic factors.

<sup>4</sup> The government may order emergency procedures and impose binding arbitration in circumstances involving unreasonable hardship to persons who are not parties to the dispute.

<sup>5</sup> P&S – public primary and secondary schools; C – public colleges; U - universities.

<sup>6</sup> Compulsory binding arbitration to settle any collective bargaining dispute with a graduate students association, or with an academic staff association at a university established after March 18, 2004.

<sup>7</sup> M.P - municipal police; R.N.C. - Royal Newfoundland Constabulary; O.P.P. - Ontario Provincial Police; S.Q. - Sûreté du Québec (Quebec's Provincial Police).

<sup>8</sup> Notes 1 and 3 above apply to the New Brunswick Power Corporation and note 3 applies to the New Brunswick Liquor Corporation.

<sup>9</sup> Arbitration may be imposed if there is a state of emergency and a resolution of the House of Assembly forbids a strike. If the number of essential employees exceeds 50%, the union may opt for binding arbitration. Hospital employees may not engage in a rotating strike.

<sup>10</sup> The *Public Service Collective Bargaining Act* applies to Crown corporations that may be designated by the government; Newfoundland and Labrador Hydro is covered by the *Labour Relations Act*, and the *Electrical Power Control Act, 1994* provides for the designation of essential employees.

<sup>11</sup> The employees of the general directorate responsible for civic protection are also forbidden to strike.

<sup>12</sup> Strikes and lockouts are prohibited in respect of matters defined as pertaining to clauses negotiated at the local or regional level or subject to local arrangements.

<sup>13</sup> The Quebec legislation specifies that certain government agencies' policy on remuneration and conditions of employment must be approved by the Treasury Board (this applies for example to Hydro Quebec, the Sûreté du Québec (Quebec's Provincial Police) and Crown corporations responsible for lotteries and the sale of liquor).

<sup>14</sup> The government of Quebec may order the parties to maintain essential services in a variety of "public services".