

Labour Settlement Tools

Most collective bargaining disputes are resolved through the *Labour Relations Code's* negotiation and mediation provisions. However, if the parties are not able to resolve their differences, the *Code* provides a number of mechanisms to assist in reaching a settlement. The following is a brief overview of these processes.

Voluntary Interest Arbitration

Parties to a dispute may agree in writing to refer the matters in dispute to a voluntary arbitration board, and must notify the Minister of the agreement.

- If the parties fail to appoint members to the voluntary arbitration board, the Minister may appoint members.
- If no settlement is reached after 20 days, or any longer period agreed to by the parties or set by the Minister, the board must make an award dealing with all matters in dispute.
- The award is binding on the parties and is included in the terms of a collective agreement.
- The parties pay the costs of a voluntary arbitration board.

Compulsory Arbitration Board (CAB)

Compulsory arbitration applies to those employers and employees without the right to strike or lockout (firefighters and most of the unionized health care sector).

- The Minister or either or both of the parties may request the appointment of a CAB.
- The parties appoint members of the CAB, but if they fail to do so, the Minister may make the appointments.
- The CAB determines its own process, including the method of arbitration to be used.
- The CAB must make its award as soon as possible, but not later than 20 days after it was established or any longer time agreed to by the parties or set by the Minister.
- The CAB's award is binding on the parties and included in the terms of a collective agreement.
- The parties pay the costs of a CAB.

Disputes Inquiry Board (DIB)

A Disputes Inquiry Board (DIB) provides third-party assistance to resolve a dispute.

- The Minister may establish a DIB on his own or upon the request of either or both of the parties
- The Minister appoints members to a DIB
- A DIB temporarily prohibits strikes or lockouts that have not yet commenced, but does not affect strikes or lockouts that commenced prior to the establishment of the DIB.
- The DIB has 20 days, or any longer time agreed to by the parties or set by the Minister, to either settle the dispute or make recommendations with respect to each matter in dispute.
- If the parties accept the recommendations, the recommendations are binding on the parties and included in the terms of a collective agreement.
- If not accepted, the Labour Relations Board conducts a vote. If the majority of the union members and the employer vote in favour the recommendations are binding.
- Government pays the costs of a DIB.

Public Emergency Tribunal (PET)

Cabinet may declare an emergency if damage to health or property or unreasonable hardship is being caused to persons who are not parties to the dispute. The dispute may then be referred to a PET.

- An Order-in-Council declares an emergency and serves as a back-to-work order, prohibiting strikes or lockouts and ending any that are in progress.
- The Minister establishes procedures for resolution of the dispute.
- The Minister establishes a PET and appoints its members.
- The PET fully inquires into the dispute and makes its award by the date fixed by the Minister.
- The PET's award is binding on the parties and included in the terms of a collective agreement
- Government pays the costs of a PET.