Collective Bargaining Process - Canadian Federal Sector

HOW IT WORKS

Collective Bargaining is a multi-step process used by employers and unions to allow both parties to achieve meaningful improvements.

Notice to bargain

DIRECT BARGAINING
No time limit

- The employer or the union sends a written notice to bargain, which is a request to start discussions about updating and renewing an existing contract.
- The employer and union negotiate the terms of the collective agreement directly, each with specific requests for the other side.
- The parties can take as much time as needed to reach an agreement.
- If the two parties reach an impasse, either party may request outside support by filing a Notice of Dispute with the Federal Minister of Labour.

Notice of dispute

15 days

- When one party files a Notice of Dispute, the Federal Minister of Labour appoints a conciliation officer within 15 days as a tool to support the employer and union in reaching a negotiated outcome.

Ministerial decision

CONCILIATION
60 days, unless extended by mutual agreement of parties

- Using professional conciliators through the Federal Mediation and Conciliation Service (FMCS), this third party has a mandate to assist the negotiating parties in reaching a mutual agreement.
- The conciliation period is for 60 days, but if both parties agree, they may request an extension.

Termination of conciliation

21 days

MEDIATION
No time limit
Final attempt to reach an agreement

- At the end of the conciliation period (60 days with the possibility of extension), the parties enter a 21-day cooling off period.
- During this stage, the Federal Minister of Labour can appoint a mediator to continue supporting the parties to reach an agreement.

Acquisition of right to strike / lockout

Possibility of work stoppage

- Parties can acquire the legal right to strike (union) or lockout (employer). If a union chooses to strike, the union must seek a mandate through a majority vote among its members. NOTE: The union may seek a 'strike mandate' at any time during the conciliation process.
- If a strike or a lockout is initiated, all work stops. However, that cannot occur until the 21-day cooling off period has ended.
- To initiate a strike or lockout, the other party and the Minister of Labour must be given a 72-hours' notice with the date and time the strike or lockout will begin.