



Labour

LABOUR RELATIONS ASSISTANCE

Benefiting from expertise

Canada has a long history of providing conciliation and mediation services to help unions and employers reach collective agreements. This practice dates back to 1900, when the *Conciliation Act* came into effect. Today, nine out of 10 labour disputes in the private sector that are under federal jurisdiction are settled without a work stoppage, thanks in part to the Labour Program's Federal Mediation and Conciliation Service (FMCS).

Overview of collective bargaining

Collective bargaining refers to the negotiation of the terms and conditions of employment by an employer and a union representing employees. These terms and conditions are outlined in collective agreements, which are fixed-term, legally binding contracts that cover matters such as wages, hours of work, job security and work rules. Both parties have an obligation to negotiate in good faith and to make every reasonable effort to reach a collective agreement.

The process

1. Conciliation

When unions and employers are unable to negotiate a collective agreement, either party may file a notice of dispute with the Minister of Labour. Upon receiving it, the Minister will normally appoint a conciliation officer to meet with both parties and help them reach an agreement. The conciliation process lasts a maximum of 60 days, unless the parties agree to extend it.

2. Right to strike or lockout

The parties acquire the right to strike or lockout 21 days after the conciliation process is completed. A party intending to take strike or lockout action must give the other party and the Minister of Labour at least 72 hours' advance notice. To strike, a union must have taken a strike vote in the last 60 days.

3. Mediation

The Minister of Labour usually appoints a mediator after the conciliation process is complete. Mediation aims to achieve a collective agreement and to avoid a work stoppage. Mediation can also occur prior to conciliation or on an ad hoc basis to resolve issues during the closed period of the collective agreement.

4. Arbitration

The parties may agree to refer any outstanding issues to an arbitrator for binding determination. Such an agreement suspends the right to strike or lockout. If the parties cannot agree on an arbitrator, they may jointly request that the Minister of Labour appoint someone to fill the role.

Relationship Development Program

The Labour Program also offers a wide range of relationship development services, which encourage a more cooperative approach to dispute resolution by improving the labour-management relationship. These services are provided while the collective agreement is in force or when the parties are in direct negotiation outside of the regulated collective bargaining process. Relationship Development Program services aim to help parties resolve their differences so they do not become impediments to bargaining or reaching a settlement.

These free services are offered by experienced mediators following a joint request by the parties.

Services currently available include custom workshops on a wide variety of labour relations topics:

- Interest-Based Negotiation Workshop
- Committee Effectiveness Workshop
- From Conflict to Cooperation: Improving your Labour Relations
- Pre Negotiation Workshop
- Relationship by Objectives Program
- Supervisor-Steward Joint Training
- Post Work Stoppage Workshop

Labour Relations and the Negotiation Cycle, an open-concept regional workshop for participants from multiple workplaces and unions, is also offered.

FMCS mediators also provide grievance mediation and facilitation of direct negotiations, labour management committees and ad hoc joint processes.

"There is a long tradition in Canada of labour legislation and policy designed for the promotion of the common well-being through the encouragement of free collective bargaining and the constructive settlement of disputes."
Preamble of the Canada Labour Code

For more information, visit labour.gc.ca

or call one of our regional offices:

National Capital Region 819-654-4085	Atlantic Region 902-536-2000	Quebec Region 438-892-1467
Ontario Region 647-253-8050	Northwestern Region 587-230-2002	Pacific Region 604-661-4802