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Canada

Guidelines for Use of Employer Facilities

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Guidelines for Use of Employer Facilities

1. Introduction

This document provides clarification regarding the new provisions of the [Public Service Labour Relations Act \(PSLRA\)](#) regarding exceptions to unfair labour practices as they relate to the use of employer facilities.

2. Legislative base

Subsection 186(3) of the [PSLRA](#), as promulgated by the *Public Service Modernization Act*, is an exception to the unfair labour practices outlined in subsections 186 (1) and (2). This sub clause was designed to reflect current realities.

3. Application

The guidance in this document applies to departments and agencies listed under Schedules I and IV of the [Financial Administration Act](#) and for which TBS is identified as the Employer (i.e., the [core public administration](#)).

4. Terminology

The definitions of various terms (e.g., bargaining agent, bargaining unit, board (PSLRB), employee, employer) used throughout this document are found in the [PSLRA](#).

For the purpose of these guidelines, the term "facilities" may include, but is not limited to premises controlled by the employer (e.g., structures and attendant land owned, leased or otherwise occupied by departments or agencies for whom the Treasury Board is the Employer), information and information distribution systems, and telecommunication equipment.

5. Limitations

Sub clause (3) ensures that it is not an unfair labour practice for the employer to permit an employee representative to have discussions with the employer or otherwise attend to the employee organization's business during hours of work without a deduction in pay, or to use the employer's premises for meetings of the employee organization.

Given that employer facilities differ from department to department, and even from one facility to another in a department or agency, the extent to which departmental facilities are used for labour/management purposes is left to departments or agencies to work out with their bargaining agent representatives. Labour/management consultation committees, to be established in every department in accordance with Section 8 of the PSLRA, may be used as a forum by the parties to discuss how employer facilities will be used. However, some limitations must be respected. They include:

- the Employer cannot insist upon the union using their premises;
- provisions already included in collective agreements and the *PSLRA* must be adhered to;
- departmental policies regarding the use of electronic networks must be respected; etc.

6. Departmental practices

Some organizations allow the use of their facilities for the following purposes:

- bargaining and planning sessions;
- general meetings (regional or local decision, subject to operational requirements and availability of premises);
- election of union executives and voting; or
- distribution of information to members and potential members through a limited use of e-networks depending on costing and technological requirements and with prior approval of content.

7. References

- [Public Service Modernization Act](#)
- [Public Service Labour Relations Act](#)
- [Financial Administration Act](#)
- [Public Service Labour Relations Board Regulations and Rules of Procedure](#)
- *Working Together in the Public Interest* (a.k.a., Fryer Report, June 2001)

8. Enquiries

Enquiries should be directed to departmental human resources officers who, in turn, may direct enquiries to:

Labour Relations Sector

