

FREE
COLLECTIVE
BARGAINING



Fact Sheet # 4

Summary of Legislation Restricting Collective Bargaining and Trade Union Rights in Canada 1982 – 2008**

COLLECTIVE BARGAINING IN CANADA

RIGHT OR ILLUSION?

The assault on the rights of working Canadians

In the past 26 years Canadians have seen a serious erosion of a fundamental and universal human right, their right to organize into a union and engage in full and free collective bargaining.

Almost every jurisdiction in Canada has experienced a major violation of the bargaining rights of its citizens. The federal and provincial governments in Canada passed 179 pieces of legislation since 1982 that have restricted, suspended or denied collective bargaining rights for Canadian workers.

Restrictions have been placed on the right of unions to organize. Collective agreements have been torn up. Freely negotiated wages and benefits have been taken away. Employers' proposals have been legislatively imposed on workers and the right to strike removed. Both the private and the public sectors have been hit by this phenomenon.

Back-to-work legislation

There has been a major change in the frequency and severity of back-to-work legislation in Canada in recent years. Since the early 1980s, the number of instances of back-to-work legislation is higher than any other period in the history of labour relations in Canada. In the last 26 years, the federal government alone passed 13 pieces of back-to-work legislation while provincial governments across the country have enacted 72 pieces of back-to-work legislation. Most of this legislation (45 of the 85 pieces of legislation) not

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only forced workers back to work after taking strike action, but also arbitrarily imposed settlements on the striking workers.

Suspension of the bargaining rights

A common phenomenon in the public sector throughout the 1980s and 1990s has been the suspension of collective bargaining rights. With the exception of Saskatchewan, public sector workers across Canada gained the right to collective bargaining in the decade between 1967 and 1977. In the three decades that followed, most public sector workers have had their collective bargaining rights suspended anywhere from three to ten years. There have been 35 pieces of legislation passed in the federal Parliament and provincial legislatures that have suspended the collective bargaining rights of public sector workers.

Restrictions on the right to organize and collective bargaining

Since 1982, there have also been 59 instances where federal and provincial labour laws have been amended to further restrict unions' ability to organize. Seven pieces of legislation have actually denied certain categories of workers the right to join a union and six pieces of legislation have restricted the certification process hurting the labour movement's ability to organize the unorganized. There have been 46 instances where the federal and provincial governments passed legislation that restricted the rules and/or scope of bargaining, denied the right to strike and limited the mechanisms available for settlement of disputes or allowed for greater government and/or employer interference in internal union matters.

*** For a summary of each of the 179 pieces of restrictive labour legislation passed by the Canadian Parliament and provincial legislatures between 1982 and 2008, go to www.labourrights.ca .*

Jurisdiction Type of legislation	Jurisdiction											Total
	Fed	CB	AB	SK	MB	ON	QC	NB	PE	NE	TL	
Back to work – dispute sent to third party arbitration	9	6		3		14	4	3		1		40
Back to work – settlement imposed	4	10	4	4		3	13	3		1	3	45
Suspension of bargaining rights – wage increase, freeze or rollback imposed	7	6		1	2	3	5	2	2	4	3	35
Restrictions on certification process		1		1	1	2					1	6
Denial of workers' right to join a union	1	1	2			2	1					7
Restrictions on rules & scope of bargaining, dispute settlement mechanisms and union activities	1	13	4	4	4	7	5	3		3	2	46
TOTAL	22	37	10	13	7	31	28	11	2	9	9	179



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