

Collective Bargaining and Dispute Resolution in the Public Sector

Chapter Summary

The studying collective bargaining and dispute resolution in the public sector highlights the duality of roles that the government plays, both as a model employer and as the sector that establishes the rules and regulations for Canadian workplaces. Canada's public sector employees are covered by collective agreements, predominantly with the two largest unions in Canada; the Public Service Alliance of Canada (PSAC) and the Canadian Union of Public Employees (CUPE). Dispute resolution has taken centre stage in recent years due to an increasing emphasis on alternative dispute resolution (ADR) procedures to reduce conflict in the Canadian public sector. Public sector unions in Canada have become increasingly important due in part to an increased emphasis on reinventing government, which has led to a shift to more private sector practices and, in turn, government downsizing, privatization, and deregulation in the public sector, as well as the increased use of user charges and private-sector partnerships and delivery systems.

The history of collective bargaining in Canada's public sector was relatively nominal until the 1960s. There was some acknowledgement of the collective bargaining process in 1944 when the province of Saskatchewan granted both the right to strike and collective bargaining measures for its provincial employees. There was also some informal bargaining at the federal level in the early 1960s. The pivotal legislation was the federal *Public Service Staff Relations Act* (PSSRA) of 1967, which fulfilled a promise made by Prime Minister Lester Pearson in 1963 to grant federal employees broad collective bargaining rights, including the right to strike.

The structure of collective bargaining as outlined by the authors includes the following aspects: collective agreement coverage, collective bargaining legislation, dispute resolution procedures, arbitration requirements, the restitution of the dominant role of the state, and increased attention to market forces. The authors also address the issue of diverse dispute resolution

procedures, which include the right to strike, the limited right to strike, binding arbitration, and the choice of procedure.

In the last section, the authors address the issue of pay and employment equity. In particular, this is a public sector issue that responds to the concern that female-dominated jobs be paid the same as male-dominated jobs of the same value. This legislation only exists at the federal level, for federal public service employees and for businesses that bid on federal contracts.

Annotated Weblinks

- 1) <https://www.canada.ca/en/treasury-board-secretariat/services/collective-agreements/collective-bargaining/definitions-collective-bargaining-core-public-administration.html>

This site identifies and defines the key terms in collective bargaining in public administration.

- 2) http://pslreb-crtefp.gc.ca/resources/factsheets/collectivebargaining_e.asp

The Federal Public Sector Labour Relations Employment Board published a fact sheet on collective bargaining, including the public service commissioner's role and the arbitration board.

- 3) <http://laws-lois.justice.gc.ca/eng/acts/P-33.3/page-1.html>

This is a copy of the *Federal Public Service Relations Act* that outlines the employment status of federal government service employees and also interpretations and definitions relevant to public service relations in Canada's federal government.