

# STATUTORY PROVISIONS - PUBLIC SECTOR FOR STRIKE, RATIFICATION AND LAST OFFER VOTES

	Alberta	British Columbia	Federal	Manitoba	New Brunswick	Newfoundland & Labrador	Nova Scotia	Ontario	Prince Edward Island	Québec	Saskatchewan
Does Statute Regulate Strike Votes?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Who is Eligible to Vote in a Strike Vote?	Entire bargaining unit	Entire bargaining unit	Entire bargaining unit	Entire bargaining unit	Entire bargaining unit (note 1)	Entire bargaining unit	Not applicable prohibition on strikes & lockouts	Entire bargaining unit	Entire bargaining unit	Actual union Members only	Entire bargaining unit
Who Conducts Strike Vote	Union	Union	Union	Union	Union	Union	N/A	Union	Labour Board	Union	Union
Does Statute Regulate Ratification Votes?	No	No	No	Yes	No	No	No	Yes	No	Yes	No
Who is Eligible to Vote in a Ratification Vote?	Depends on union constitution	Depends on union constitution	Depends on union constitution	Entire bargaining unit	Depends on union constitution	Depends on union constitution	Depends on union constitution	Entire bargaining unit	Depends on union constitution	Actual union Members only	Depends on union constitution
Can a Collective Agreement Be Implemented Without a Vote?	Yes	Depends on union constitution	Depends on union constitution	Yes (note 2)	Not legislated	Yes	Not legislated	Yes, subject to union constitutional limits	Depends on union constitution	No (note 3)	Yes
Does Statute Regulate Last Offer Votes	Yes	Yes	Yes, Minister may order	Yes	Yes	No	Yes (note 4)	Yes	No	Yes	Yes
Who is Eligible to Vote in a Last Offer Vote?	Employees in affected bargaining unit	Employees in affected bargaining unit	Employees in affected bargaining unit	Employees in affected bargaining unit	Employees in affected bargaining unit	N/A	Depends on union constitution	Employees in affected bargaining unit	Depends on union constitution	Actual union Members only	(note 5)

1. **New Brunswick:** To authorize a strike a majority of the entire bargaining unit affected, not just those voting, must vote yes.

2. **Manitoba:** s. 71 and 72 operate together to say that an agreement is binding after accepted in a ratification vote (and not binding if rejected). However, MB has no-fault imposed first agreements (s. 87) and subsequent agreements, after 60 days of strike or lockout (s. 87.1). There is no ratification for these 12 month imposed agreements. Either party may apply for these.

3. **Quebec:** Experts have told us that not all unions obey the secret ballot vote requirement, some don't vote secretly, and some don't vote at all because only a Member of the union may file a complaint, and even if they do, the worst that can happen is that the union will be fined.

4. **Nova Scotia:** Legislation mandates that the Collective Agreement must contain language that addresses a final settlement vote without a workstoppage.

5. **Saskatchewan:** A last offer vote is a matter of discretion for the Labour Relations Board. The present Section of the Act provides that if a strike is continued for 30 days, at least 25 percent of the bargaining unit or 100 employees, whichever is less, can apply to the Minister to appoint a special mediator. This special mediator can then recommend that the Board conduct a vote among the striking employees to determine whether a majority of the employees voting whose ballots have not been spoiled are in favour of accepting the employer's final offer and returning to work. If the special mediator recommends it, the Board conducts the vote under Section 11(8) of the Act. Under this Section, every employee who is involved in the strike and who has not secured permanent employment elsewhere is entitled to vote for the purposes of the Section. This section is described by LabourWatch Advisors as "virtually useless" as it takes too long to get the offer to the employees.