

STATUTORY PROVISIONS - PRIVATE SECTOR FOR STRIKE, RATIFICATION AND FINAL OFFER VOTES

	Alberta	British Columbia	Federal	Manitoba	Manitoba (construction)	New Brunswick	Newfoundland & Labrador	Nova Scotia	Nova Scotia (construction)	Ontario	Ontario - Construction	Prince Edward Island	Québec	Saskatchewan
Does Statute Regulate Strike Votes?	Yes	Yes	Yes	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	Entire bargaining unit (note 5)	Entire bargaining unit	Entire bargaining unit (note 5)	Entire bargaining unit (note 5)	Entire bargaining unit	Entire bargaining unit (note 6)	Entire bargaining unit	Actual union members only	Entire bargaining unit
Who Conducts Strike Vote?	Union	Union	Union	Union	Union	Union	Union	Union	Union	Union	Union	Union	Union	Union
Does Statute Regulate Ratification Votes?	No	No	No	Yes	Yes	Yes	No	No	No	Yes	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	"Members of the union in the craft unit"	Depends on union constitution	Depends on union constitution	No (note 2)	No (note 2)	Entire bargaining unit	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	Yes per union constitution	No	Yes (note 1)	Yes (note 1)	Yes	Yes	(note 3)	(note 3)	Yes subject to union constitutional limits	Yes	Depends on union constitution	No (note 7)	Yes
Does Statute Regulate Final Offer Votes	Yes	Yes provision for "last offer vote" Section 78	No but can be applied for	Yes	Yes	Yes	No	No	No	Yes	Yes	No	Yes	Yes
Who is Eligible to Vote in a Final Offer Vote?	Entire bargaining unit	Employees in affected bargaining unit	N/A	Entire bargaining unit	Entire bargaining unit	Entire bargaining unit	N/A	Silent	Silent	Entire bargaining unit	Entire bargaining unit	Depends on union constitution	Actual union members only	(note 4)

- 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, Manitoba 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.
- Nova Scotia:** While not required, it is possible to require ratification when a party chooses in advance to make an agreement conditional upon ratification or the constitution or bylaws of a union require ratification of an agreement.
- Nova Scotia:** A Bargaining Committee can be given instructions known as a "mandate". A Committee's mandate may not allow it to conclude an agreement without ratification.
- Saskatchewan:** A final offer vote is a matter of discretion for the Labour 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.
- Nova Scotia & New Brunswick:** The strike vote must be taken of the entire bargaining unit and must pass the majority of the entire bargaining unit affected, not just those voting.
- Ontario (construction):** The entire bargaining unit is included though to be eligible to vote one must be "Employed" on the day of the vote, scheduled to work.
- 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.