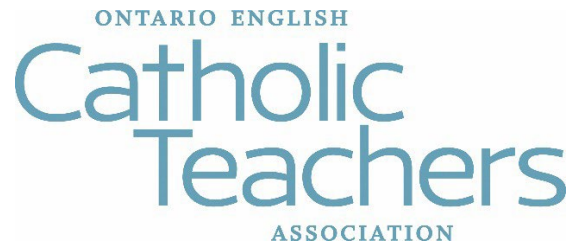


RECOMMENDATIONS ON GOVERNMENT OF CANADA CONSULTATIONS TO STRENGTHEN LABOUR RELATIONS AND BETTER SUPPORT WORKERS

Submission to Employment and
Social Development Canada



The Ontario English Catholic Teachers' Association (OECTA) represents the 45,000 passionate and qualified teachers in Ontario's publicly funded English Catholic schools, from Kindergarten to Grade 12.

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INTRODUCTION

The Ontario English Catholic Teachers' Association (OECTA) welcomes the opportunity to provide input as part of the Government of Canada's consultation on potential changes to strengthen labour relations and better support workers.

At the same time, it should be noted that OECTA has concerns about the cursory nature of these consultations and recommends that the Government of Canada implement a robust engagement process, and conduct a comprehensive study prior to introducing any significant changes to the *Canada Labour Code* – similar to that which occurred in 1995 with the *Sims Task Force Report on Part 1 of the Canada Labour Code*.

About OECTA

OECTA represents 45,000 passionate and dedicated teachers working in publicly funded Catholic schools across Ontario. Catholic teachers are strong advocates for social and economic justice, and strive every day to best support the students we serve, and to strengthen the schools and communities where we work and live.

We are also a strong, democratic union with a long history of defending the workers' rights, advancing social and economic justice, and supporting the broader labour movement. Catholic teachers are proud unionists and active participants in the broader labour movement, with a longstanding commitment to worker solidarity, and the defence of free and meaningful collective bargaining.

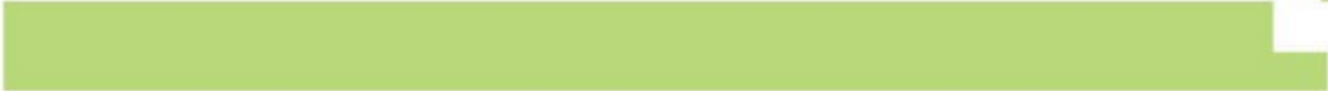
As an affiliate of the Ontario Federation of Labour (OFL) and the Canadian Labour Congress (CLC), OECTA stands with workers and unions across the country in advancing workplace rights, social justice, and strong public services – in a continued effort to improve the lives of workers, families, and communities.

Background

The federal labour relations framework influences labour policy, practice, and expectations across Canada. While OECTA operates under provincial labour legislation, we are well aware that decisions concerning government intervention in labour disputes, the right to strike, grievance arbitration, bad-faith bargaining, strike mandates, and first collective agreements can have implications well beyond federally regulated workplaces.

Federal decisions in these areas contribute to the broader legal and political environment in which workers exercise their collective rights and bargaining power.

These issues are particularly important in the current economic climate. Workers across Canada are facing rising costs, concerns about job security, and uncertainty arising from tariffs, artificial intelligence (AI), and broader trade disruption. While economic instability may be cited as a justification for greater government intervention in labour relations, it should not become a rationale for weakening workers' rights or bargaining power.



The emergence of modern labour law and collective bargaining institutions in the 1930s and 1940s coincided with decades of broad-based economic growth, rising living standards, and greater workplace stability (Fudge and Tucker 2004). By contrast, the weakening of union density and worker protections since the 1980s has occurred alongside growing inequity and inequality, employment insecurity, and greater strain in labour relations (Legree, Schirle, and Skuterud 2019).

Recent public opinion research commissioned by the CLC reinforces this point. Although Canadians are deeply concerned about affordability and economic uncertainty, they also strongly believe that workers must retain a meaningful voice in decisions affecting their jobs, pay, and working conditions. Indeed, 84 per cent said this is important during periods of economic uncertainty (CLC 2026).

As such, economic resilience and strong labour rights should not be treated as competing objectives. A stable and prosperous economy depends on workers having the ability to bargain collectively, exercise their fundamental right to strike, protect their working conditions, and share fairly in economic growth. By contrast, weakening collective bargaining in response to economic uncertainty would not only place a disproportionate burden on workers and risk making the economy less fair and less resilient, but also could lead to more labour disputes and unrest.

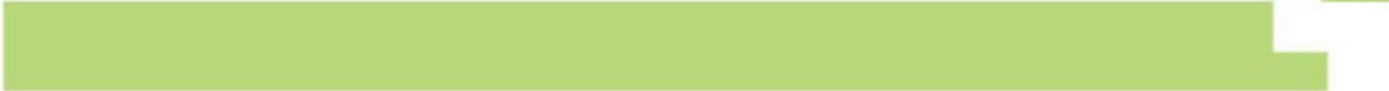
OECTA has extensive experience with collective bargaining, grievance arbitration, and government intervention in public-sector labour relations. Our experience reinforces the importance of a framework that respects the independence of free and fair collective bargaining and the right to strike, provides timely and effective mechanisms for enforcing collective agreements, and preserves meaningful bargaining power for workers and their unions.

In its Consultation Document (ESDC 2026), the Government of Canada has stated that the purpose of this consultation is to strengthen the federal labour relations framework, enhance collective bargaining processes, and bolster supports for workers.

OECTA supports these objectives. However, any proposed reforms must be assessed according to whether they strengthen free and fair collective bargaining, protect workers' constitutional rights, and encourage parties to reach freely negotiated agreements at the bargaining table.

As such, OECTA strongly supports the central positions advanced by the Canadian Labour Congress in its submission (CLC 2026a). In particular, we agree that reforms intended to strengthen labour relations must respect the constitutional right to strike, limit unwarranted government interference in collective bargaining, and ensure that workers have meaningful and timely access to remedies when their rights under a collective agreement or labour statute are violated.

Successful labour relations depend on mutual respect, a fair balance of power between the parties, and confidence that both workers and employers will be permitted to exercise their rights within a clear and predictable framework. When that balance is disrupted – particularly through undue government intervention – the conditions for constructive bargaining and stable agreements are weakened.



The comments that follow focus on those areas of the consultation that are most relevant to OECTA's experience and interests, including section 107 of the *Canada Labour Code*, expedited grievance arbitration, bad-faith bargaining, the duration of strike mandates, and first collective agreements.

PROTECTING FREE, FAIR, AND MEANINGFUL COLLECTIVE BARGAINING

As this consultation progresses, it is paramount that free, fair, and meaningful collective bargaining remain the guiding principle as any changes are considered. A labour relations framework is strengthened when it enables workers and employers to negotiate directly, in good faith, free from government intervention, and with confidence that the agreements reached will reflect the balance of interests established through the bargaining process.

Meaningful collective bargaining requires more than a formal opportunity to meet and exchange proposals. Workers and their unions must retain the practical ability to exercise collective pressure, including the constitutionally protected right to strike. That right is not incidental to collective bargaining; it is essential to addressing the inherent imbalance of power between individual workers and employers and to creating genuine incentives for both parties to reach a negotiated settlement (EPI 2026).

OECTA is concerned by approaches that treat government intervention, imposed arbitration, or prolonged third-party processes as substitutes for free and fair collective bargaining.

Although such measures may be presented, by some, as tools to promote stability or industrial peace, their routine or anticipated use can severely disrupt and distort the bargaining process. Where one party believes that government intervention will ultimately relieve it of the need to compromise, the incentive to bargain seriously and make the difficult decisions required to reach an agreement is diminished.

As correctly noted by the CLC, government-imposed arbitration can have a corrosive effect on collective bargaining by encouraging parties to hold back concessions and wait for an external decision-maker to be imposed in order to resolve the dispute.

In OECTA's experience, stable labour relations are best achieved through clear and fair rules established at the outset of negotiations, meaningful bargaining power for workers and their unions, and respect for the outcomes negotiated by the parties themselves.

The government's consultation recognizes that many aspects of Canada's labour relations system are functioning well and that any changes should be carefully targeted rather than broadly applied. OECTA supports this approach.

Flowing from this, any amendments to the *Canada Labour Code* should strengthen the capacity of parties to bargain effectively, improve access to timely remedies, and address demonstrated gaps in worker protection. It is critical that the government not create new avenues for delaying negotiations, weakening lawful strike activity, or replacing collective bargaining with executive or administrative intervention.

In many respects, the central test for any proposed policy reform is straightforward: does it support workers and employers in reaching freely negotiated agreements, or does it weaken

the rights and bargaining power necessary for that process to be meaningful? The government should ensure that every amendment advances the former by a matter of principle.

SECTION 107 AND GOVERNMENT INTERVENTION IN COLLECTIVE BARGAINING

OECTA strongly supports the CLC's position that section 107 of the *Canada Labour Code* be repealed. The provision – as recently interpreted by the government – purports to grant the Minister exceptionally broad discretion to take measures considered expedient to maintain or secure industrial peace, including directing the Canada Industrial Relations Board (CIRB) to take further action. In recent years, that authority has been used in ways that effectively ended lawful strike activity and imposed binding arbitration (Cimellaro 2026; Lampert, Jaiswal, and Mukherjee 2025; Canadian Press 2025).

This use of section 107 is deeply concerning. A power intended to support the resolution of labour disputes should not become a mechanism through which a government or executive branch can override the normal collective bargaining process, suspend the right to strike, or impose a settlement without democratic debate in Parliament.

The government's consultation document asks whether additional guiding principles should govern the use of section 107, including considerations such as the broader public interest, the magnitude of economic or social impacts, independent assessments, and the duration of a dispute.

While clearer statutory limits would be preferable to unconstrained ministerial discretion, OECTA does not believe that additional guidelines would adequately address the underlying problem if the federal Secretary of State (Labour) continues to assert that section 107 allows them to terminate lawful job action and override constitutional rights of workers. Moreover, the guidelines suggested would not prevent the significant and long-term harmful impacts on collective bargaining that arise when the workplace parties come to anticipate or rely upon government interventions in labour disputes.

Economic disruption and public inconvenience are not, on their own, sufficient reasons to override the right to strike – quite the opposite, in fact. The purpose of strike action is to create economic pressure and compel meaningful engagement at the bargaining table (Centre for Future Work 2025).

If governments routinely intervene whenever that pressure becomes significant, the practical value of the right is substantially weakened, if not valueless.

OECTA recognizes that extraordinary circumstances may arise in which government action is necessary to protect the life, health, or safety of citizens and the general public. However, the *Canada Labour Code* currently empowers the Minister to intervene in such cases by referring the issue to the independent Canadian Industrial Relations Board, pursuant to the essential services provisions of the Code (s. 87.4).

Where a government believes that ending a lawful strike is necessary, it should be required to introduce legislation, justify the measure publicly, and subject its decision to parliamentary debate and legal scrutiny.

The simple fact is that collective bargaining is undermined when employers come to expect government intervention at the point of impasse. That expectation reduces the incentive to compromise, encourages parties to hold to their opening positions, and transforms imposed arbitration into an anticipated stage of bargaining rather than a true last resort.

OECTA's own experience in Ontario's publicly funded education sector reinforces this concern. Government intervention in collective bargaining substantially disrupts the balance between the parties, weakens confidence in the bargaining process, and makes it more difficult to establish stable and constructive labour relations over the long term.

As such, OECTA recommends that section 107 be repealed. Government intervention should not become an expected stage of bargaining. Free, fair, and meaningful collective bargaining is strengthened when both parties know that they are responsible for making the decisions and compromises necessary to reach an agreement, and that lawful economic action will not be displaced simply because it becomes effective.

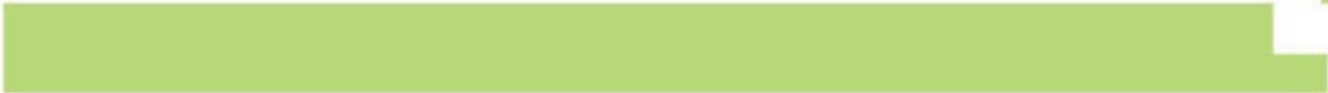
TIMELY AND EFFECTIVE GRIEVANCE ARBITRATION

As legal scholars have established, timely access to grievance arbitration is essential to ensuring that collective agreement rights are meaningful and enforceable (Winkler 2011). OECTA supports the introduction of an accessible and properly resourced expedited grievance arbitration process under the *Canada Labour Code*. Unresolved grievances can remain outstanding for months or even years, delaying remedies for workers and undermining confidence in the enforcement of collective agreements.

Longstanding grievance backlogs also affect the broader labour relationship. Unresolved disputes can increase mistrust between the parties, allow contested practices to continue, and carry accumulated conflict into subsequent rounds of collective bargaining. As the CLC notes, large grievance backlogs can make labour relations more adversarial and force parties to spend valuable bargaining time addressing disputes that should have been resolved between bargaining rounds.

Any statutory expedited arbitration mechanism should work alongside, rather than displace, the grievance and arbitration procedures negotiated by the parties. Collective agreements reflect the particular needs and experience of individual workplaces, and those negotiated processes should remain the primary means of resolving disputes. An expedited statutory process should be available where existing procedures are not producing a timely resolution.

The consultation asks about the structural and behavioural causes of grievance delays, including volume, complexity, incentives, resourcing, and decision-making practices. OECTA believes that no single procedural change will resolve grievance backlogs. Delays may result from a shortage of available arbitrators, difficulty securing hearing dates, inadequate administrative support, employer resistance to scheduling or settlement, and the complexity or volume of disputes (Mackenzie 2013).



As such, expedited arbitration cannot succeed through statutory timelines alone. The Government of Canada must provide the institutional resources necessary to support the process.

The CLC points to provincial models, including Ontario's process, under which parties can apply for the appointment of an arbitrator on an expedited basis. It also emphasizes that any new federal mechanism will require active administration and a roster of arbitrators capable of meeting the required timelines. These are important features that should inform the federal model.

At the same time, the government must take caution against allowing expedited arbitration to reduce procedural fairness. Efficiency cannot come at the expense of disclosure, evidence, representation, or reasoned and evidence-based decisions.

As a result, OECTA recommends that the government establish a flexible, adequately funded expedited arbitration process that improves access to timely remedies while preserving negotiated procedures and procedural fairness.

BAD-FAITH BARGAINING AND FRIVOLOUS OR VEXATIOUS COMPLAINTS

A strong labour relations framework must address genuine instances of bad-faith bargaining without creating barriers to legitimate complaints. As such, OECTA shares the concern expressed by the CLC about any proposals to introduce financial penalties or fines for allegedly frivolous or vexatious complaints.

Labour boards already possess broad authority to dismiss improper complaints and fashion remedies where bad faith is established. Before creating new penalties, the government should identify clear evidence that existing powers are inadequate.

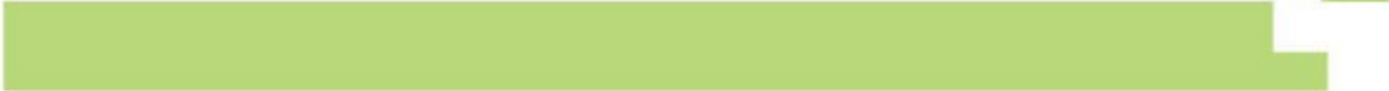
Any new measures must also avoid discouraging workers or unions from bringing legitimate complaints. A complaint should not be treated as frivolous merely because it is unsuccessful, advances a novel argument, or raises a difficult issue of law or fact. Financial penalties could create a chilling effect and undermine access to the labour board.

OECTA recommends that the government focus instead on timely hearings, appropriate interim relief, disclosure orders, and remedies proportionate to the harm caused where bad-faith bargaining is proven.

DURATION OF STRIKE AND LOCKOUT MANDATES

As proposed by the CLC, OECTA supports amending the *Canada Labour Code* so that a valid strike mandate remains in effect for the duration of the bargaining round, rather than expiring after 60 days.

A strike vote is a democratic expression of the confidence a bargaining unit's membership has in their union and its bargaining strategy (Labor Notes 2019). It is an important tool in the labour relations and collective bargaining process.



Requiring workers to repeat that vote at arbitrary intervals creates unnecessary cost, delay, and administrative burden. It can also disrupt negotiations and weaken a union's bargaining position simply because bargaining, conciliation, or mediation has taken longer than 60 days.

The duration of a strike mandate should reflect the bargaining cycle for which members authorized collective action. The mandate should therefore remain valid until a new collective agreement is reached, the parties otherwise conclude the bargaining round, or the union determines that a new vote is appropriate.

Any amendments should also maintain balance between the parties. Strike and lockout mandates should be governed by equivalent principles and should not impose disproportionate or asymmetrical procedural requirements on unions.

Extending the validity of a properly conducted strike vote would reduce unnecessary procedural barriers while respecting workers' democratic decision-making and supporting a more focused collective bargaining process.

FIRST COLLECTIVE AGREEMENTS

The right to unionize must include a meaningful path to a first collective agreement. Certification reflects a democratic decision by workers to bargain collectively, and that decision should not be frustrated or deterred through delay, surface bargaining, or an employer's refusal to engage meaningfully in a constitutionally-protected process.

Early access to mediation and conciliation may help parties establish a constructive bargaining relationship and resolve difficult issues. However, these supports should be timely and targeted. They should not become additional procedural stages that prolong bargaining or postpone workers' access to an effective remedy.

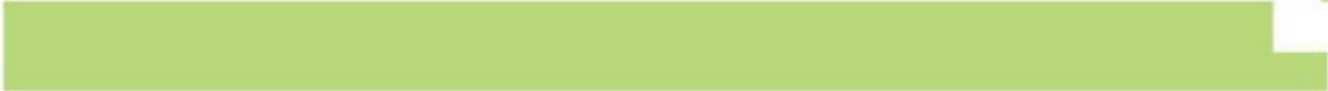
Where the parties reach an impasse, particularly where bad-faith bargaining or deliberate delay is present, unions should have access to first-contract arbitration. The availability of arbitration can protect the integrity of certification, prevent employers from attempting to defeat a new bargaining relationship through attrition, and provide a stable foundation for future rounds of collective bargaining.

OECTA therefore recommends a first-agreement framework that combines early mediation, clear timelines, and access to binding first-contract arbitration where necessary.

OTHER MEASURES TO SUPPORT WORKERS

Although this submission focuses primarily on collective bargaining and labour relations processes, OECTA also support the CLC's call to preserve and strengthen the minimum protections available to workers under the *Canada Labour Code*.

Paid medical leave should remain a minimum employment standard. Workers should not be forced to choose between their health, their income, and the health and safety of their colleagues and communities (OECTA 2017).



OECTA would be concerned by any changes that weaken existing entitlements, expand requirements for medical documentation, or permit collectively bargained benefits to displace statutory protections unless workers receive rights and benefits that are demonstrably equal or superior.

The government must also strengthen enforcement against wage theft and employee misclassification. Rights that exist only on paper provide little protection where complaint processes are inaccessible, investigations are delayed, or employers face insufficient consequences for non-compliance. Effective enforcement requires timely investigations, meaningful penalties, accessible supports for workers, and mechanisms to ensure that unpaid wages are actually recovered.

OECTA further supports the CLC's position that emerging workplace technologies require more than training and adjustment supports. Workers and their unions should be informed and consulted when AI or automated systems affect employment, surveillance, workload, performance assessment, or other working conditions. The introduction of new technology should respect privacy, equity, professional judgment, and collective bargaining rights (OECTA 2026).

CONCLUSION

OECTA supports the Government of Canada's stated objective of strengthening labour relations and better supporting workers. Achieving that objective requires a framework that respects free, fair, and meaningful collective bargaining; protects the constitutional right to strike; provides timely and effective remedies; and encourages parties to reach agreements at the bargaining table.

OECTA therefore urges the government to adopt the recommendations advanced by the Canadian Labour Congress and to ensure that any amendments strengthen – rather than restrict – the rights and bargaining power of workers and their unions.

RECOMMENDATIONS

OECTA recommends that the Government of Canada:

1. **Implement a robust engagement process**, and conduct a comprehensive study, risk analysis prior to introducing any significant changes to the *Canada Labour Code*
2. **Repeal section 107 of the *Canada Labour Code*** or, at minimum, expressly prohibit its use to terminate lawful job action, impose binding arbitration, or predetermine the outcome of a labour dispute.
3. **Ensure that the constitutionally protected rights to free collective bargaining and the right to strike remain the guiding principles** for any amendments arising from this consultation.

4. **Establish a properly resourced expedited grievance arbitration process** that complements negotiated procedures, preserves procedural fairness, and provides timely access to qualified arbitrators.
5. **Strengthen remedies for proven bad-faith bargaining**, while avoiding financial penalties or other measures that could discourage unions or workers from bringing legitimate complaints.
6. **Extend the validity of strike and lockout mandates for the duration of the bargaining round**, rather than requiring repeated votes after an arbitrary fixed period.
7. **Strengthen first collective agreement protections** through early access to mediation, clear timelines, and binding first-contract arbitration where necessary.
8. **Preserve and strengthen worker protections**, including paid medical leave, enforcement against wage theft and misclassification, and meaningful rights related to artificial intelligence and technological change.

WORKS CITED

Canadian Labour Congress (CLC). (2026). "Labour Code Polling." Ottawa: CLC.

Canadian Labour Congress (CLC). (2026a). *CLC Submissions on Government of Canada Consultations to Strengthen Labour Relations and Better Support Workers*. Ottawa: CLC.

Canadian Press. (2025). "CIRB rules against Canada Post union's challenge to back-to-work order." *CityNews* (October 23).

Centre for Future Work. (2025). "Strikes Have Economics Benefits, Not Just Costs." Available at: <https://centreforfuturework.ca/2025/01/04/strikes-have-economics-benefits-not-just-costs/>

Cimellaro, Matteo. (2026). "Labour board finds Bank of Canada broke the law for second time over use of replacement workers." *Ottawa Citizen* (July 23).

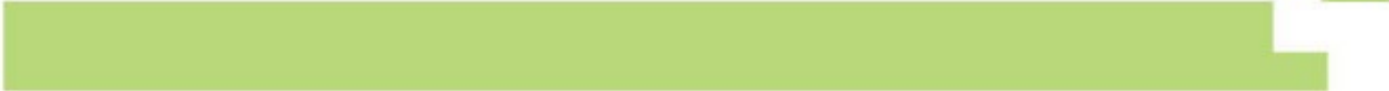
Economic Policy Institute (EPI). (2026). "Unequal Power: How the assumption of equal bargaining power in the workplace undermines freedom, fairness, and democracy." Available at: <https://www.epi.org/unequalpower/home/>

Employment and Social Development Canada (ESDC). (2026). *Building Canada Strong for All – Powered by Canada's Workers: Targeted Second Phase: Consultation Document*. Ottawa: King's Printer for Canada.

Fudge, Judy, and Tucker, Eric. (2004). *Labour Before the Law: The Regulation of Workers' Collective Action in Canada, 1900-1948*. Toronto: University of Toronto Press.

Labor Notes. (2019). "Democracy: Who Owns the Strike?" *Labor Notes* (October 17).

Lampert, Allison, Jaiswal, Rishabh, and Mukherjee, Promit. (2025). "Striking Air Canada flight attendants defy back-to-work order." *Reuters* (August 17).



Legreem Scott, Schirle, Tammy, and Skuterud, Mikal. "Can Labour Relations Reform Reduce Wage Inequality?" *Institute for Research on Public Policy* (December 13).

Mackenzie, Ian. (2013). "The Promise of Labour Arbitration: Delayed but Not Forgotten." *Slaw* (November 15).

Ontario English Catholic Teachers' Association (OECTA). (2026). *2026-27 Pre-budget Brief: Submission to the Standing Committee on Finance and Economic Affairs*. Toronto: OECTA.

Ontario English Catholic Teachers' Association (OECTA). (2017). *Bill 148, Fair Workplaces, Better Jobs Act, 2017: Submission to the Standing Committee on Finance and Economic Affairs*. Toronto: OECTA.

Winkler, Warren K. (2011). "Arbitration as a Cornerstone of Industrial Justice." Kingston: Queen's University School of Policy Studies.