

JURISDICTIONAL REVIEW
Essential Services/Interest Arbitration
Healthcare, Community Services, Ambulance

Jurisdiction	Right to strike	Essential Services	Interest Arbitration	Legislation	Specific Employee Groups? / Comment
Nova Scotia	√			<i>Trade Union Act</i>	N/A
Saskatchewan	√			<i>Trade Union Act</i>	N/A
Manitoba	√	√		<i>Essential Services Act</i>	No specific group. Defined as services that are necessary to enable the employer to prevent: danger to life, health, and safety ; the destruction of machinery , equipment, or premises; serious environmental damage; or the disruption of the administration of the courts or of legislative drafting . Attached as Schedule A to the Act is a list of government services declared to be essential services. Same as Ontario’s definition.
British Columbia	√	√		<i>Labour Relations Code, ss.72 and 73</i>	No specific group. The Minister may direct the board to designate as essential services those facilities, productions and services that the board considers necessary or essential to prevent immediate and serious danger to the health, safety or welfare of BC residents or threat to educational programs.
Quebec	√	√		<i>An Act to ensure that essential services are maintained in the health and social services sector</i>	The Act applies to a detailed list of services, including health and social services institutions and, ambulance operators.
New Brunswick	√	√		<i>Public Service Labour Relations Act, S.43.1</i>	Services affecting health, safety or security of the public are essential. ¹ This includes all public hospitals, nursing homes, and ambulance operators.

Jurisdiction	Right to strike	Essential Services	Interest Arbitration	Legislation	Specific Employee Groups? / Comment
Newfoundland	√	√		<i>Public Service Collective Bargaining Act, S.10</i> <i>Interns and Residents Collective Bargaining Act, S.10(same wording)</i>	Both Acts define essential services as those necessary for the health, safety, or security of the public. Interns and residents are a specific group. ²
Federal	√	√	√	<i>Canada Labour Code, ss.87.4 to 87.7</i> <i>The Public Service Modernization Act - March 2003</i> <i>Government Services Act</i>	Those who supply goods, operate facilities, or produce goods which affect the safety and health of the public. ³ Services, facilities or activities necessary for safety and securing of public. Employer has right establish level at which an essential service must be provided and an essential service agreement is negotiated. Right to strike is not permitted until 30 days after agreement is concluded. This <i>Act</i> prohibits a strike by those employees employed in the Public Services who were bound by a group specific agreement including but not limited to firefighters, and those who provide utilities, hospital services and correctional services.
Prince Edward Island			√	<i>Labour Act, Section 41(5)</i>	Prohibits police officers, full time fire department employees, hospital employees, nursing home employees, employees of community care facilities and non-instructional school personnel from striking. ⁴
Alberta			√	<i>Labour Relations Code, s.96-98</i> <i>Labour Relations Code s.112</i>	Interest Arbitration. Prohibition against strike/ lockout for firefighters, employees of hospitals under <i>Hospitals' Act</i> and employees under Regional Health Authorities. ⁵ Emergencies - The Government may declare a strike a public emergency when the health and safety of the public is at risk for services affecting utilities (sewage systems, plants, or equipment, or water, heating, electrical or gas systems, plant or equipment and health services .

Jurisdiction	Right to strike	Essential Services	Interest Arbitration	Legislation	Specific Employee Groups? / Comment
Ontario	√	√		<i>Ambulance Services Collective Bargaining Act (June 29, 2001)</i>	Essential services agreement must be negotiated and employees cannot strike without one.
			√	<i>Labour Relations Act</i>	Binding Arbitration is compulsory for hospitals and homes for the aged.
			√	<i>Hospital Labour Disputes Arbitration Act</i>	Prohibits strike for broad definition of “Hospital”. ⁶ Exemption for employers funded under the <i>Developmental Services Act</i>

End Notes:

- Subsection 92(4) of *Industrial Relations Act* prohibits a full time fire department employee from striking; and subs.(5) prohibits a police officer from striking.
- Newfoundland enacted the *Health and Community Services Resumption and Continuation Act*, S.N. 1999, c.37.2, which ordered striking nurses to return to work in light of “a serious and deteriorating situation in the provision of health care to patients and the public”. Additionally, the purpose of the statute was to foster resolution of the dispute on terms and conditions consistent with other collective agreements in the public sector. Pursuant to S.6, terms and conditions of employment approved by the Lieutenant-Governor in Council constituted a collective agreement.
 - Section 45 of the *Royal Newfoundland Constabulary Act* prohibits officers from belonging to a union and from going on strike.
 - Section 30 PSC.11 *Bargaining Act* - Where House of Assembly resolves that a strike could cause harm, it may declare a state of emergency or forbid strike of all employees in a unit and order them to return to duty.
- Another provision states: “During a strike or lockout not prohibited in this part, an employer in the long-shoring industry, or other ‘federal work, undertaking, or business’, its employees and bargaining agent shall continue to provide their normal services re: grain vessels”.
- Ambulance services are not included in this prohibition under the *Labour Act* because five privately owned operators. However, consolidated to EMS in 2006 and the PEI government is reexamining this.
- If an ambulance service is operated out of a hospital it does not have the right to a strike or lockout and is covered by the legislation that covers other health care workers. Ambulance services run by Municipalities and private operators do have the right to strike and lockout. The Alberta government is looking at putting all ambulance workers under compulsory interest arbitration. In the past, where there has been the a threat of an ambulance strike, government has put a Disputes Inquiry Board in place which has usually resolved the dispute.
- s.1 (1) “hospital” means any hospital, sanitarium, sanatorium, nursing home or other institution operated for the observation, care or treatment of persons afflicted with or suffering from any physical or mental illness, disease or injury or for the observation, care or treatment of convalescent or chronically ill persons, whether or not it is granted aid out of moneys appropriate by the Legislature and whether or not it is operated for private gain, and includes a home for the aged; (“hospital”)
 - Laundry that is operated exclusively for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act. R.S.O. 1990, c. H.14, s.1(3).
 - A stationary power plant as defined in the *Operating Engineers Act* that is operated principally for one or more than one hospital shall be deemed to be a hospital for the purposes of this Act. R.S.O. 1990, c.H.14,s.1(4).

