

Hands Off Our Bargaining: Government Interference and the Undermining of Collective Bargaining Rights in Canada

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Union workers gained significant freedoms in 1982 with the enactment of the Canadian Charter of Rights and Freedoms, which provided protection from government interference and enhanced employee protections. While early interpretations of the Charter did not include the right to meaningful collective bargaining, in 2001 the *Dunmore* decision affirmed the rights of workers “to organize and to make collective representations to employers who must consider those representations in good faith” (Weinberg, 2024). Despite these protections, the Canadian government continues to interfere with bargaining and collective agreements, which pose serious challenges to unions across Canada.

One example of government interference is British Columbia’s *Health and Social Services Delivery Improvement Act*, which was challenged and brought before the Supreme Court of Canada (SCC) in 2007. The Act allowed employers greater flexibility to organize their relationships with their employees as they saw fit, which in turn overrode key provisions in existing collective agreements. The SCC ruled that the act violated the Charter, setting an important precedent for protecting bargaining rights in Canada (SCC, 2007).

More recently, the Canadian Flight Attendant (FA) Union has struggled to secure fair compensation; flight attendants are only compensated for in-flight hours, from the time the cabin door closes to when it opens. They are not paid for boarding, deplaning, or preflight administration duties (Haggett et al., 2025). The amount of unpaid labour a flight attendant may provide in a month is staggering, on average, 35 hours a month! The Canadian federal government continues to undercut unions by siding with the airline industry, offering financial support and granting exemptions to airlines in an attempt to minimize corporate financial losses. One example is the airline's decision to lower labour costs by reducing the number of cabin

crew. Despite the union's warning about health and safety concerns, the Canadian government sided with airlines and approved the change, which set a concerning precedent of favouring corporate interests over workers' rights.

The above examples illustrate the main concern with government involvement: it weakens the integrity of the collective bargaining process. When the Government of Canada sides with an employer and supports cost-cutting measures, it is at the expense of employees and labour rights. Government interference weakens the balance of power at the bargaining table, and the scales are tipped in favour of the employer. NASA has experienced similar challenges in the last couple of bargaining cycles, where the Alberta government's budget constraints have interfered with NASA's negotiation power at the bargaining table.

Unions must continue to fight for the rights of workers and use every tool at their disposal. Legally, they can challenge unconstitutional legislation, as was seen in the BC Health Services case, and they can appeal to labour boards to address unfair practices. Public campaigns are also powerful tools that bring folks together. Unions can launch education campaigns, rally members together, and support pro-labour candidates during elections. In the face of increasing pressure and challenges, unions must remain strong and assertive. The right to meaningful collective bargaining is enshrined in the Charter of Rights and Freedoms, and it must be defended. As the labour movement reminds us: united we bargain, divided we beg!

References:

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