



**ALTERING THE
TERM OF
COLLECTIVE
AGREEMENTS
WITH THE
CONSENT OF
BOTH PARTIES**

February 11th, 2010

NEWFOUNDLAND

& LABRADOR

employers'
COUNCIL

Altering the Term of a Collective Agreement

The Newfoundland and Labrador Employers' Council is supportive of a provision in our labour relations legislation that provides an ability to alter the term of a collective agreement when the parties to that agreement agree to do so.

The process of collective bargaining belongs to the union and the employer. If both parties are desirous of altering the term, then the parties should be permitted to do so. The potential benefits of being able to do so include cost savings to both unions and employers and decreased labour disruptions.

The weight of labour relations legislation in the country is toward permitting parties to an agreement to alter the term of that agreement. To our knowledge, only Newfoundland and Labrador, Manitoba and Ontario have provisions that prevent this from occurring.

Jurisdiction	Can parties change the term of their collective agreement if both parties mutually agree?	Comment
NL	No	Section 84(3) The parties to a collective agreement may, by written consent while the agreement is in force, vary, cancel or substitute other provisions for a provision in the agreement other than the provision relating to the term of the agreement.
BC	Yes	Parties can change any provision of a collective agreement including the term as long as both parties agree.
Ontario	No	Under Operation of Collective Agreements, section 58 (5) states Nothing in this section preventing the revision by mutual consent of the parties at any time of any provision of a collective agreement other than a provision relating to its term of operation. 1995, c. 1, Sched. A, s.58
Alberta	Yes	Parties can do so as long as they have a provision in their collective agreement to do so.

Saskatchewan	Yes	Parties can do so as long as the alteration is above the minimum term provision.
PEI	Yes	Parties can do so with mutual consent.
Nova Scotia	Yes	If both parties agree to make changes to an agreement and both sides ratify the changes with their principles, then they can be free to do so.
New Brunswick	Yes	s.57(3) of the Industrial Relations Act states that the parties may agree to extend the term of the collective agreement for a period of less than one year while they are bargaining for its renewal or revision or for a new agreement. S.64(3) of the Public Services Labour Relations Act states that the parties may agree to extend the term of a collective agreement.
Manitoba	No	Provision of the term must be changed through collective bargaining rather than “mutual agreement”.

Recommendation:

The NLEC recommends that the Labour Relations Act contain a section that deals with altering the term of a collective agreement. This section should include:

- Parties can change any provision of a collective agreement, including the term of a collective agreement, as long as both parties mutually agree.
- Parties can agree to change the term of a collective agreement without being subject to a minimum term provision.