



*PUBLIC SERVICE ACT*  
MODERNIZATION  
WHAT WE HEARD

MODERNISATION DE LA LOI SUR LA  
FONCTION PUBLIQUE  
CE QUE NOUSAVON ETENDU

Le present document contient la traduction française  
du sommaire et du message de la ministre.

Government of Northwest Territories  
Gouvernement des Territoires du Nord-Ouest





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# EXECUTIVE SUMMARY

The Government of the Northwest Territories (GNWT) undertook engagement on Phase II of the *Public Service Act* (PSA) modernization initiative to gather input on a proposed approach to amending section 41 of the Act, which sets out union representation for GNWT public servants. Phase II builds on earlier modernization work and focuses specifically on certification and decertification processes and the potential establishment of a public service labour relations board.

Engagement took place between October 2025 and January 2026 and included consultation with the GNWT's bargaining partners, as well as opportunities for public input through the GNWT's 'Have Your Say' website. A total of 135 responses and 49 written comments were received through this platform.

Overall, feedback from bargaining partners emphasized the importance of labour relations stability, clear and predictable rules, and expert, independent decision-making. Bargaining partners raised concerns about the potential fragmentation of bargaining units, highlighted the value of alignment with established Canadian labour relations models, and stressed the importance of ensuring decision-making reflects both technical expertise and the northern context. Concerns were also expressed regarding the timing and pace of the engagement and the need for sufficient information and time to support meaningful consultation.

Feedback from the public engagement reflected a range of perspectives. Many respondents expressed support for increasing employee choice in union representation and raised concerns about the current legislative framework for designating bargaining agents. Others highlighted the need for sector-specific representation, particularly for employees with distinct operational realities such as nurses. A number of respondents expressed concerns related to government involvement in labour organization, the potential risks and uncertainty associated with the proposed changes, and perceived issues with the survey's timing and outreach. A small number of comments also raised equity and inclusion considerations, emphasizing the importance of ensuring reforms do not marginalize Indigenous or disabled employees and highlighting the need for stronger protections related to fairness, access to information, and member rights.

The feedback documented in this report will be used to inform the development of a legislative proposal to amend section 41 of the *Public Service Act*. The GNWT anticipates introducing a Bill for Phase II in Fall 2026.

## SOMMAIRE

Le gouvernement des Territoires du Nord-Ouest (GTNO) a entrepris de mener des échanges concernant la phase II de l’initiative de modernisation de la *Loi sur la fonction publique* (LFP), afin de recueillir des commentaires sur l’approche proposée pour modifier l’article 41 de la Loi, qui établit la représentation syndicale des fonctionnaires du GTNO. La phase II s’appuie sur les travaux de modernisation antérieurs et se concentre plus particulièrement sur les processus de certification et de retrait de certification et sur la potentielle mise en place d’une commission des relations de travail dans la fonction publique.

Les échanges se sont déroulés entre octobre 2025 et janvier 2026. Ont notamment été sollicités les partenaires de négociation du GTNO ainsi que le public, par l’intermédiaire du site Web « Exprimez-vous » du GTNO. Au total, 135 réponses et 49 commentaires écrits ont été reçus via cette plateforme.

Dans l’ensemble, les partenaires de négociation ont souligné, dans leurs observations, l’importance de maintenir la stabilité des relations de travail, d’établir des règles claires et prévisibles, et de favoriser l’expertise et l’indépendance lors de la prise de décisions. Les partenaires de négociation ont exprimé des inquiétudes quant à la fragmentation potentielle des unités de négociation, ont souligné l’importance de l’harmonisation avec les modèles canadiens établis en matière de relations de travail et ont insisté sur la nécessité de veiller à ce que la prise de décisions reflète à la fois l’expertise technique et le contexte nordique. D’autres préoccupations ont également été soulevées concernant le calendrier et le rythme des échanges, ainsi que concernant la nécessité de disposer de suffisamment d’informations et de temps pour rendre ce processus pertinent.

Les commentaires recueillis lors des échanges avec le public couvrent un large éventail de points de vue. De nombreux répondants se sont déclarés favorables à un élargissement du choix des employés en matière de représentation syndicale et ont soulevé des inquiétudes concernant le cadre législatif actuel régissant la désignation des agents négociateurs. D’autres ont mis en lumière la nécessité d’une représentation sectorielle, notamment pour les employés confrontés à des impératifs opérationnels bien particuliers, comme les infirmiers. Plusieurs répondants s’inquiètent de l’implication du gouvernement dans l’organisation du travail, des risques et de l’incertitude associés aux changements proposés, ainsi que des problèmes perçus quant au calendrier et à la portée du sondage. Quelques commentaires ont également fait mention de l’équité et de l’inclusion, soulignant l’importance de veiller à ce que les réformes ne marginalisent pas les employés autochtones ou handicapés et mettant en évidence la nécessité de renforcer les protections liées à l’équité, à l’accès à l’information et aux droits des membres.

Les commentaires consignés dans le présent rapport serviront à éclairer l’élaboration d’un projet de loi visant à modifier l’article 41 de la *Loi sur la fonction publique*. Le GTNO prévoit de présenter un projet de loi pour la phase II à l’automne 2026.

# INTRODUCTION

The *Public Service Act* establishes the Northwest Territories' public service and sets out the terms and conditions for how they are managed, as well as many of their rights and responsibilities as employees.

The *Public Service Act* also sets out the rules for labour relations within the GNWT. It explains how the government, employees, and employee associations/unions work together, including the rules for collective bargaining and how disputes are resolved.

First enacted as the *Public Service Ordinance* in 1965, the PSA has been amended periodically and revised twice. Following the last revision of the Act in 1988, minor amendments have been made frequently to address matters that arose for which legislative change was required.

Given the passage of time and the evolution of law and human resource practices, the *Public Service Act* has become out of date. The GNWT has been working to modernize the *Public Service Act* for several years to ensure that government services are more effective, transparent, and inclusive. This work has taken place in two phases. The first phase (Phase I) culminated with the introduction of Bill 32 in the Legislative Assembly of the Northwest Territories in Fall 2025.

Phase II of the *Public Service Act* modernization project is focused on Section 41 of the Act which deals with union representation for public service employees. The GNWT plans to introduce a Bill to amend the Act for Phase II in Fall 2026.

# BACKGROUND

Section 41 of the *Public Service Act* establishes three bargaining units for public servants:

1. Employees of the GNWT,
2. Employees of the Northwest Territories Power Corporation (NTPC), and
3. Teachers

This section also identifies the two unions that represent the bargaining units:

- The Union of Northern Workers (the UNW) represents employees of the GNWT and NTPC, and
- The Northwest Territories Teachers' Association (the NWTTA) represents teachers.

The current framework in the *Public Service Act* establishes union representation for NWT public servants but does not provide a mechanism for changing that representation.

## BARGAINING UNIT

a group of employees who bargain together as a collective through an employee association or union. Certain employees are excluded from belonging to a bargaining unit under the PSA (e.g. senior management, human resources and labour relations staff, legal officers, etc.).

## BARGAINING AGENT

the employee association or union that represents employees in a bargaining unit in labour relations and negotiates collective agreements on their behalf.

Most jurisdictions in Canada set out processes in their legislation that allow a new union to apply for certification as the bargaining agent of an existing bargaining unit in their public service. Likewise, most jurisdictions allow employees to apply to decertify or revoke a union's bargaining rights.

Several jurisdictions in Canada designate the union representation for their public service in their legislation but they usually also allow for certification and decertification. Some jurisdictions set out the bargaining units for their public service in their legislation, while others let labour boards decide how bargaining units are structured through the consideration of certification applications.

None of the three territories have a locally based labour relations board with jurisdiction over their entire workforce. Labour relations matters in the private industries in the territories are referred to the Canada Industrial Relations Board, which has authority over labour relations in federally regulated industries. Yukon has two labour relations boards, for its public service and teachers, but they are not territorially constituted. Yukon's boards consist of full-time members of Canada's public service labour relations board; the Federal Public Sector Labour Relations and Employment Board (FPSLREB).

## WHAT DO CERTIFICATION AND DECERTIFICATION MEAN?

**Certification** is the official process where a union becomes recognized as the bargaining agent for a group of employees. This means the union has the legal right to negotiate with the employer on behalf of those employees about things like wages, working conditions, and benefits. Once certified, the employer must negotiate with the union in good faith to reach a collective agreement.

**Decertification** is the process where employees choose to remove a union as their bargaining agent. This means the union would no longer represent them or negotiate on their behalf.

## PROPOSAL SUMMARY

The GNWT proposes to amend the *Public Service Act* to establish a public service labour relations board that would oversee certification and decertification processes under the *Public Service Act*. This would provide unionized public servants more choice in how they are represented and organized.

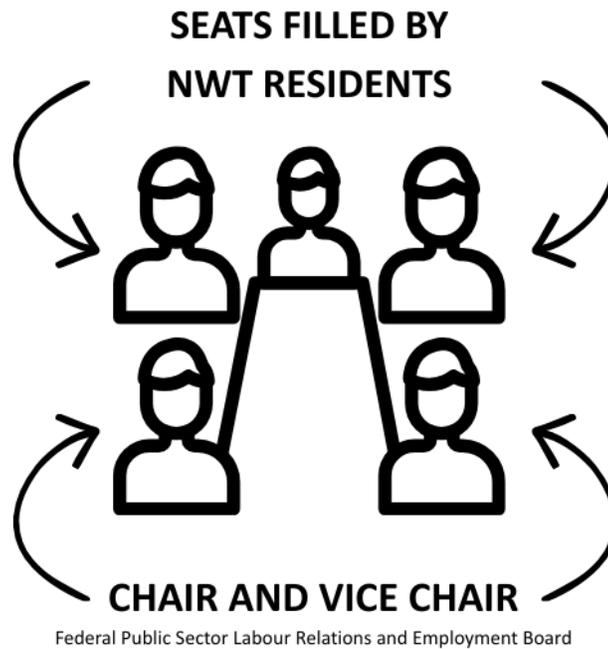
Deciding how to group employees into bargaining units is complex and requires significant expertise, as decisions can have lasting and substantial impacts. Careful consideration needs to be given to how changes in the bargaining unit structure might affect workplace stability, the effectiveness of union representation, the labour relations system, and the delivery of public services.

Because certification and decertification would be new to the NWT's public service, the GNWT proposes to draw on the expertise of an established labour relations board until local experience is developed. Similar to the approach taken in the Yukon, the chair and vice-chair positions of the NWT's board would be filled by full-time members of the Federal Public Sector Labour Relations and Employment Board<sup>1</sup>.

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<sup>1</sup> To move forward with this proposal, the GNWT would need to reach agreements with the Government of Canada and the Administrative Tribunals Support Service of Canada. While preliminary discussions have taken place, no agreements were in place at the time of publication.

However, the proposal would also create opportunities for northern representation by allowing some seats on the board to be filled by qualified NWT residents to ensure our unique northern context is factored into decision-making and to help build local expertise over time.



These proposed changes would only apply to unionized GNWT public servants. Non-unionized (excluded) employees are not affected. NWT workers outside the public service follow the *Canada Labour Code* when it comes to labour relations matters. The Canada Industrial Relations Board handles union certification and decertification of private sector and federally regulated employees in all three territories.

# METHODOLOGY

The GNWT is legally required to consult with its current bargaining partners – the Union of Northern Workers (the UNW) and the Northwest Territories’ Teachers Association (the NWTTA) - about any potential changes to the *Public Service Act* that could affect the terms and conditions of employment of their members.

Additionally, in planning engagement for Phase II, the GNWT had to carefully consider how it approached consulting public servants, as certain approaches could raise concerns under established labour relations practices.

As a result, engagement was structured to include direct consultation with bargaining partners, along with broader public engagement through the GNWT’s ‘*Have Your Say*’ website.

## CONSULTATION WITH BARGAINING PARTNERS

The Department of Finance held three engagement sessions with each of the GNWT’s bargaining partners<sup>2</sup> during the period from October to December 2025.

During the first sessions, the Department presented the findings of the jurisdictional and legal review they completed during Summer/Fall 2025 and offered potential paths forward for consideration.

At the second sessions, the Department went over some of the key areas of the certification and decertification processes and introduced considerations about the powers and composition of a potential labour relations board.

The Department shared draft key proposals with the bargaining partners for discussion at the third and final sessions.

The bargaining partners were invited to provide feedback both at the sessions and in writing during the engagement period. In addition to input provided during the sessions, the Department received three written submissions from the bargaining partners.

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<sup>2</sup> Engagement sessions with the UNW included representatives of the Public Service Alliance of Canada (the PSAC), the national organization with which the UNW is affiliated.

## ‘HAVE YOUR SAY’ PUBLIC ENGAGEMENT

Members of the public were invited to provide feedback on the GNWT’s proposed approach to Phase II through the GNWT’s ‘Have Your Say’ website between December 10, 2025 and January 11, 2026. A news release and social media advertising were used to promote awareness of the engagement.

To help participants understand the subject matter and provide informed feedback, a short video outlining key background information and an overview of the GNWT’s proposal was posted on the engagement webpage. A transcript of the video is included in Appendix A. An additional background document with further information was also available on the webpage (Appendix B).

Participants were asked one multiple choice question and given the opportunity to submit additional comments.

What do you think of the GNWT’s proposal to amend Section 41 of the *Public Service Act*?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree
- Don’t know

Overall, the GNWT received:

- **135** survey responses
- **49** written comments

No demographic information was collected to protect participants’ anonymity, as directly asking employees questions on this topic could raise labour relations concerns.

# WHAT WE HEARD

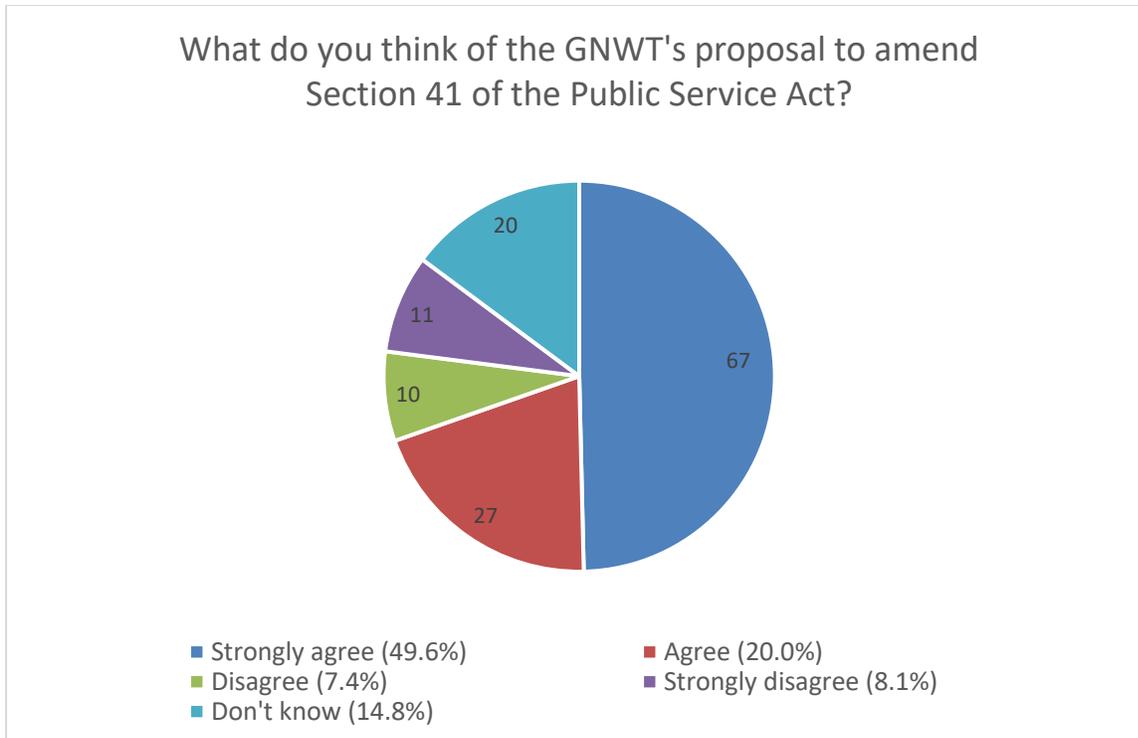
## CONSULTATION WITH BARGAINING PARTNERS

The GNWT’s bargaining partners, the UNW, the PSAC and the NWTTA, provided detailed technical feedback on draft key proposals. That feedback can be grouped into the following high-level themes that reflect their perspectives as established bargaining agents and stakeholders in the labour relations system:

- **Labour Relations Stability and Predictability** – The bargaining partners emphasized the importance of maintaining a stable, orderly, and predictable labour relations framework, avoiding unnecessary disruption to existing bargaining relationships, and ensuring that any new processes do not undermine collective bargaining stability.
- **Fragmentation of Bargaining Units** – Concerns were raised by the bargaining partners about the potential for undue fragmentation of bargaining units, which could lead to instability, loss of bargaining power, and conflict among employee groups.
- **Independent Decision-Making Informed by Expertise and Northern Context** – Bargaining partners supported the creation of a labour relations decision-making body with strong expertise and independence, given the complexity of labour relations issues. They also emphasized that decision-making should be informed by northern and Indigenous perspectives, noting that labour relations bodies exercising authority in the NWT should reflect an understanding of the unique social, cultural, and workplace context in the North.
- **Clear Rules and Procedural Safeguards** - Bargaining partners stressed the importance of clear, predictable rules and procedural safeguards to support stable labour relations and reduce the risk of conflict or legal challenges. Alignment with federal and other Canadian labour relations models was identified as a way to promote consistency, predictability, and a sound legislative framework.
- **Timing and Sufficiency of Consultation** - Concerns were expressed that the proposed timelines for Phase II may limit the ability of bargaining partners to analyze potential impacts, consult with their memberships, and provide meaningful input, given the complexity of the proposed changes and their relevance to ongoing and upcoming collective bargaining processes.

## ‘HAVE YOUR SAY’ PUBLIC ENGAGEMENT

Overall, most respondents (69.6%) either strongly agreed (49.6%) or agreed (20%) with the GNWT’s proposal to amend Section 41 of the *Public Service Act*. Fifteen and a half percent of respondents either strongly disagreed (8.1%) or disagreed (7.4%) with the proposal and 14.8% indicated they didn’t know.



The comments submitted during the public engagement can be divided into the following themes:

- **Desire for Choice** – The dominant theme across the comments submitted emphasized that GNWT employees should have the right to choose who represents them. Comments framed this as a matter of fairness, democracy, and member voice.



*“I strongly agree with this amendment, I also agree that there should be some oversight over who represents the public service employees. Additionally, I strongly believe that GNWT members should be able to seek different representation if the current union is not effectively representing them. The public service employees should as a group be able to choose who represents them.”*

- **Criticism of Current Model** - A significant number of comments were critical of the way union representation is currently designated under the *Public Service Act*, particularly the perception that the existing model limits choice. Several respondents argued this arrangement is out of step with modern labour practices and may be vulnerable to legal challenge.



*“No union(s) should have a monopoly as a bargaining agent simply because they are identified as such under the current Public Service Act.”*



*“The current structure of Section 41 is a legislative relic that serves the interests of bureaucracy rather than the public servants it is meant to represent...”*

- **Sector-Specific Representation** – Several comments noted that a single bargaining unit cannot effectively represent a diverse workforce with differing operational, professional, and scheduling realities. A number of respondents expressed the desire for a separate bargaining unit for nurses.



*“...The needs and expectations of 24/7 essential services bargaining are fundamentally different from those of Monday-to-Friday GNWT employees, and this distinction must be recognized...”*

- **Concerns About Government Overreach and Political Influence** - Some respondents expressed unease about the GNWT’s role, arguing that the Government should not dictate how unions are formed or operate. Others highlighted perceived political pressure and inappropriate legislative interference in labour relations.



*“[I] think a labour board is a good start, MLAs shouldn't be legislating how unions work, because that's interference and a huge overreach of power. So a labour board could be a good way to make sure workers and unions do things transparently without the government trying to influence it.*

- **Perceived Risks, Uncertainty and Concerns About Process** – Some respondents expressed concerns about potential risks to union members associated with the proposed changes. A small number of respondents expressed concern that the proposed amendment is being advanced without sufficient research or clear explanation, creating uncertainty about its impacts. Some respondents felt that the survey’s timing and outreach were inadequate, noting that this may have undermined transparency and meaningful participation.



*“Currently working to understand what is actually changing and the potential impact of these changes. From what I can gather now, there are risks to union members resulting from this change.”*



*“I’m disappointed that I am now just seeing this survey... If the GNWT truly had an interest in what workers thought, it would not have been conducted during the holiday season.”*

- **Equity, Inclusion and Fairness** - One submission raised concerns about how changes to labour relations structures could affect Indigenous and disabled employees, emphasizing the need to avoid marginalization and to ensure protections related to wage equity, training, promotion, and retention. Another called for procedural fairness, enforceable Duty of Fair Representation<sup>3</sup>, rights to union information, and safeguards against arbitrary discipline.



*“...It is also important to ensure the interests of Indigenous employees are considered. Will a new bargaining structure and different organization continue to marginalize Indigenous employees? Or will a new approach build in enhanced protection and robust support for training, wage equity, engagement, participation, promotion, and retention of a perpetually disadvantaged socio-economic group -- Indigenous public servants. Furthermore, changes to the Public Service Act should include enhanced support and recognition for the needs of disabled GNWT employees.”*

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<sup>3</sup> Note: The concept of ‘Duty of Fair Representation’ is being proposed as an amendment to the *Public Service Act* under Bill 32 in the provisions concerning Unfair Labour Practices. Bill 32 is currently being considered by the 20<sup>th</sup> Legislative Assembly (<https://www.ntlegislativeassembly.ca/sites/default/files/bills-and-legislation/2025-10/Bill%2032%20%28public%20version%29.pdf>).

## NEXT STEPS

Input from bargaining partners and from the public has helped identify key themes, areas of interest, and considerations related to union representation and labour relations in the Northwest Territories' public service.

The GNWT will use input from this engagement, along with public submissions made to the Standing Committee on Government Operations during their review to date of Bill 26<sup>4</sup>, to inform the development of a legislative proposal to amend section 41 of the *Public Service Act*. The GNWT has committed to introducing a Bill for Phase II amendments to the *Public Service Act* in Fall 2026.

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<sup>4</sup> See *Report on the Review to Date of Bill 26: An Act to Amend the Public Service Act* – (<https://www.ntlegislativeassembly.ca/committee-reports/25-201-report-review-date-bill-26-201-act-amend-public-service-act>)

## APPENDIX A: VIDEO SCRIPT

The Government of the Northwest Territories is proposing important changes to the *Public Service Act* that will give public service employees more choice and fairness in how they're represented.

Right now, the Act names the bargaining units and unions for public service employees—and there's no process to change them.

That means employees can't apply for a new bargaining unit or different union representation.

The GNWT is proposing to create a Public Service Labour Relations Board. Similar boards already exist in most provinces and territories across Canada. They provide independent oversight for union certification and decertification—ensuring these processes are fair and follow the law.

Workers in the NWT who are not part of the public service follow the Canada Labour Code's rules for union certification and decertification. The Canada Industrial Relations Board handles these decisions for private sector and federally regulated workers in all three territories.

Certification is when a union becomes the official bargaining agent for a group of employees.

Decertification is when employees choose to remove a union as their representative.

These options don't exist under the current *Public Service Act*.

With the proposed changes, employees in the public service will have a clear, structured way to apply for certification and decertification. The board will review applications and make fair, impartial decisions.

The GNWT proposal includes seeking an agreement with Canada's Federal Public Sector Labour Relations Board. It builds on a model similar to Yukon's which relies on the federal board but also creates opportunities for local representation. This approach aims to develop northern expertise over time and ensure decisions reflect the unique needs of the NWT.

We want your feedback.

Learn more about the proposed changes to the *Public Service Act*, and share your thoughts at the GNWT's Have Your Say website.

## APPENDIX B: BACKGROUNDER

The GNWT is proposing changes to the [Public Service Act](#) that would create a public service labour relations board. This board would give unionized employees in the public service a fair and independent way to apply for a new bargaining unit or different union representation, instead of it being fixed in law. We want to hear your thoughts on these proposed changes. Share your feedback to help shape a process that is fair, transparent, and works for unionized public servants.

### WHAT IS THE *PUBLIC SERVICE ACT*?

The *Public Service Act* establishes the NWT Public Service and sets out the terms and conditions for managing public servants, as well as many of their rights and responsibilities as employees. The *Public Service Act* also creates the labour relations framework for the GNWT by setting out the rules for how the government and its employees work together, including things like collective bargaining, workplace rights, and dispute resolution.

### WHY IS THE GNWT UPDATING THE *PUBLIC SERVICE ACT*?

First enacted as the Public Service Ordinance in 1965, it has been amended periodically and revised twice. Following the last revision of the Act in 1988, minor amendments have been made to address matters that required legislative change.

Given the passage of time and the evolution of law and human resource practices, the *Public Service Act* has become out of date. The GNWT has been working to update the *Public Service Act* for several years to ensure that government services are more effective, transparent, and inclusive.

This work has taken place in two phases. The first phase culminated with the introduction of a Bill in the Legislative Assembly of the Northwest Territories in Fall 2025. Bill 32 is currently at the Committee Review stage in the 20th Legislative Assembly of the Northwest Territories.

The second phase will address section 41 of the *Public Service Act*, which deals with bargaining agents and bargaining units for public service employees. The work will focus on how to set up fair and clear processes for certifying and decertifying employee associations (or unions). These changes will consider both practical needs and legal requirements, and be based on fairness, transparency, and employee choice.

## WHAT IS SECTION 41 OF THE *PUBLIC SERVICE ACT*?

Section 41 of the PSA establishes three bargaining units and two employee associations who represent the NWT Public Servants in each bargaining unit:

Bargaining Units	Employee Associations
<ol style="list-style-type: none"> <li>1. Government of the Northwest Territories</li> <li>2. Northwest Territories Power Corporation employees</li> <li>3. Teachers</li> </ol>	<ol style="list-style-type: none"> <li>1. The Union of Northern Workers (UNW) for GNWT and NTPC employees,</li> <li>2. The Northwest Territories Teachers' Association (NWTTA) for teachers.</li> </ol>

## ARE ALL NWT PUBLIC SERVANTS INCLUDED IN THE BARGAINING UNITS?

No, some employees are excluded from the bargaining units identified in the *Public Service Act*.

Employees cannot join a bargaining unit if the Minister believes they work in one of the following roles or positions:

- Senior leadership roles, such as deputy heads, directors, assistant directors, regional superintendents, or auditors.
- Human resources or finance roles involved creating and managing policies about HR, program evaluation, financial planning, or resource allocation.
- Advisory roles that support the Executive Council or its committees directly.
- Legal roles, including legal officers or those who regularly provide translation services to legal officers.
- Positions that regularly give advice on employment matters, including collective bargaining.
- Positions that regularly handle staffing, interpreting employment contracts, resolving workplace disputes, responding to grievances, or advising on these matters.
- Management roles that involve assigning work, evaluating performance, or disciplining other employees.
- Dentists and medical doctors.
- Administrative or secretarial roles that directly support any of the positions listed above.

## WHO DOES THE *PUBLIC SERVICE ACT* APPLY TO?

- The *Public Service Act* applies to the NWT Public Service, which includes employees who work for the following employers:
- GNWT Departments;
- Territorial health and social services authority (except employees employed as medical practitioners);
- Aurora College;

- Tłıchǫ Community Services Agency (except the CEO and employees employed as medical practitioners);
- Commission scolaire francophone;
- Divisional Education Councils;
- Prosper NWT;
- Housing NWT;
- NWT Power Corporation;
- Workers' Safety and Compensation Commission.

The *Public Service Act* **does not** apply to employees who work for the following employers or in the following sectors:

- Government of Canada;
- Federally regulated industries;
- Private sector;
- Non-governmental organizations;
- NT Hydro;
- Yellowknife District No. 1 Education;
- Yellowknife Catholic Schools;
- Northwest Territories Human Rights Commission;
- Housing associations or housing authorities;
- Indigenous band councils;
- Medical Practitioners employed by Territorial health and social services authority or Board of Management;
- Municipal and community governments;
- Hay River Health and Social Services.

## HOW IS THE GNWT PROPOSING TO CHANGE SECTION 41?

The current *Public Service Act* names the bargaining units and unions, and does not include a process to change them. The GNWT is considering amendments to the *Public Service Act* to establish a public service labour relations board who would oversee an independent process for deciding on applications to change union representation and bargaining unit structure.

This proposed change introduces a fair and structured way for employees to apply for certification of a new bargaining unit or decertification of an existing one, as well as choose different union representation. The board will review applications and make decisions based on clear criteria, rather than leaving these choices fixed in legislation.

## WHAT DOES UNION CERTIFICATION AND DECERTIFICATION MEAN?

Certification is the official process where a union becomes recognized as the bargaining agent for a group of employees. This means the union has the legal right to negotiate with the employer on behalf of those employees about things like wages, working conditions, and benefits. Once certified, the employer must negotiate with the union in good faith to reach a collective agreement.

Decertification is the process where employees choose to remove a union as their bargaining agent. This means the union would no longer represent them or negotiate on their behalf.

## HOW DOES UNION CERTIFICATION AND DECERTIFICATION WORK UNDER THE NWT *PUBLIC SERVICE ACT*?

Currently, under the *Public Service Act*, there are no processes for union certification or decertification. This means public service employees can only organize within the three existing bargaining units, and there is no option to change union representation.

How does union certification and decertification work in other jurisdictions?

The processes other jurisdictions use for certification and decertification in the public service vary:

- AB, ON, QC, and PEI identify specific unions to represent certain bargaining units in their public service, but they also have established processes that allow employees to certify a new union or decertify an existing union;
- BC, ON, and PEI define bargaining units in their public service legislation, but they also allow unions to apply for changes in representation for those existing units;
- YK, SK, MB, NB, NS, NL, and the federal public service allow applications to create new bargaining units or to change union representation within existing units.
- Only NWT, NU and NS designate unions and don't provide a process to allow for change in representation for their public service.

## WHO MAKES DECISIONS ABOUT CERTIFICATION AND DECERTIFICATION PROCESSES IN OTHER JURISDICTIONS?

In most cases, decisions about union certification and decertification are made by each jurisdiction's labour relations board. These boards are independent administrative tribunals responsible for overseeing labour relations and ensuring that processes like union organizing and representation changes are fair and follow the law.

None of the three territories have a local labour relations board, or labour relations legislation that sets out the rules for industrial relations for their entire workforce.

The Yukon’s public service labour relations legislation gives authority to a board that is made up of members of the Federal Public Sector Labour Relations and Employment Board.

While the labour relations framework for NWT Public Servants is set out in the *Public Service Act*, workers who are not part of the public service in the NWT fall under the Canada Labour Code when it comes to labour relations.

The Canada Industrial Relations Board is responsible for making decisions about union certification and decertification in the private sector for all three territories.

## WHAT IS THE PROPOSED STRUCTURE FOR THE PUBLIC SERVICE LABOUR RELATIONS BOARD?

Deciding how to group employees into bargaining units is complex. Careful consideration needs to be given to how changes in the bargaining unit structure might affect workplace stability, the effectiveness of union representation, the labour relations system, and the delivery of public services.

Because certification and decertification processes would be new to the NWT’s public service, the GNWT proposes to draw on the expertise of an established labour relations board until local experience is developed. Similar to the approach taken in the Yukon, the GNWT would seek agreement with the federal government to have the chair and vice-chair positions of the NWT’s board filled by full-time members of the Federal Public Sector Labour Relations and Employment Board. The proposed amendments would still create opportunities for northern representation by allowing some seats on the board to be filled by NWT residents to help build local expertise over time.



# UPDATING THE *PUBLIC SERVICE ACT*

## VIDEO SCRIPT

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The GNWT is proposing to create a Public Service Labour Relations Board. Similar boards already exist in most provinces and territories across Canada. They provide independent oversight for union certification and decertification—ensuring these processes are fair and follow the law.

Workers in the NWT who are not part of the public service follow the Canada Labour Code's rules for union certification and decertification. The Canada Industrial Relations Board handles these decisions for private sector and federally regulated workers in all three territories.

Certification is when a union becomes the official bargaining agent for a group of employees.

Decertification is when employees choose to remove a union as their representative.

These options don't exist under the current *Public Service Act*.

With the proposed changes, employees in the public service will have a clear, structured way to apply for certification and decertification. The board will review applications and make fair, impartial decisions.

The GNWT proposal includes seeking an agreement with Canada's Federal Public Sector Labour Relations Board. It builds on a model similar to Yukon's which relies on the federal board but also creates opportunities for local representation. This approach aims to develop northern expertise over time and ensure decisions reflect the unique needs of the NWT.

We want your feedback.

Learn more about the proposed changes to the *Public Service Act*, and share your thoughts at the GNWT's Have Your Say website.



## UPDATING THE *PUBLIC SERVICE ACT*

The GNWT is proposing changes to the *Public Service Act* that would create a public service labour relations board. This board would give unionized employees in the public service a fair and independent way to apply for a new bargaining unit or choose different union representation, instead of having these choices fixed in law. We want to hear your thoughts on these proposed changes. Share your feedback to help shape a process that is fair, transparent, and works for unionized public servants.

You can jump straight to the questions by going to the [Have Your Say](#) section of this page, or keep reading to learn more about the proposed changes to the *Public Service Act* and what they mean for you.

## WHAT IS THE PUBLIC SERVICE ACT?

The *Public Service Act* establishes the NWT Public Service and sets out the terms and conditions for how employees in the GNWT are managed, as well as many of their rights and responsibilities as employees. The *Public Service Act* also creates the labour relations framework for the GNWT by setting out the rules for how the government and its employees work together, including things like collective bargaining, workplace rights, and dispute resolution.

## WHY IS THE GNWT UPDATING THE PUBLIC SERVICE ACT?

First enacted as the *Public Service Ordinance* in 1965, it has been amended periodically and revised twice. Following the last revision of the Act in 1988, minor amendments have been made frequently to address matters that arose for which legislative change was required.

Given the passage of time and the evolution of law and human resource practices, the *Public Service Act* has become out of date. The GNWT has been working to update the *Public Service Act* for several years to ensure that government services are more effective, transparent, and inclusive.

This work has taken place in two phases. The first phase culminated with the introduction of a Bill in the Legislative Assembly of the Northwest Territories in Fall 2025. Bill 32 is currently at the Committee Review stage in the 20th Legislative Assembly of the Northwest Territories.

The second phase will address section 41 of the *Public Service Act*, which deals with bargaining agents and bargaining units for public service employees. The work will focus on how to set up fair and clear processes for certifying and decertifying employee associations (or unions). These changes will consider both practical needs and legal requirements, and be based on fairness, transparency, and employee choice.

## WHAT IS SECTION 41 OF THE PUBLIC SERVICE ACT?

Section 41 of the PSA establishes three bargaining units and two employee associations who represent the NWT Public Servants in each bargaining unit:

Bargaining Units	Employee Associations
<ol style="list-style-type: none"><li>1. Government of the Northwest Territories</li><li>2. Northwest Territories Power Corporation employees</li><li>3. Teachers</li></ol>	<ol style="list-style-type: none"><li>1. The Union of Northern Workers (UNW) for GNWT and NTPC employees,</li><li>2. The Northwest Territories Teachers' Association (NWTTA) for teachers.</li></ol>

## HOW IS THE GNWT PROPOSING TO CHANGE SECTION 41?

The current *Public Service Act* names the bargaining units and unions, and does not include a process to change them. The GNWT is considering amendments to the *Public Service Act* to establish a public service labour relations board who would oversee an independent process for deciding on applications to change union representation and bargaining unit structure.

This proposed change introduces a fair and structured way for employees to apply for certification of a new bargaining unit or decertification of an existing one, as well as choose different union representation. The board will review applications and make decisions based on clear criteria, rather than leaving these choices fixed in legislation.

### WHAT DOES UNION CERTIFICATION AND DECERTIFICATION MEAN?

**Certification** is the official process where a union becomes recognized as the bargaining agent for a group of employees. This means the union has the legal right to negotiate with the employer on behalf of those employees about things like wages, working conditions, and benefits. Once certified, the employer must negotiate with the union in good faith to reach a collective agreement.

**Decertification** is the process where employees choose to remove a union as their bargaining agent. This means the union would no longer represent them or negotiate on their behalf.

## HOW DOES UNION CERTIFICATION AND DECERTIFICATION WORK UNDER THE NWT *PUBLIC SERVICE ACT*?

Currently, under the *Public Service Act*, there are no processes for union certification or decertification. This means employees can only organize within the three existing bargaining units, and there is no option to change union representation.

## HOW DOES UNION CERTIFICATION AND DECERTIFICATION WORK IN OTHER JURISDICTIONS?

The processes other jurisdictions use for certification and decertification vary:

- AB, ON, QC, and PEI identify specific unions to represent certain bargaining units in their public service, but they also have established processes that allow employees to certify a new union or decertify an existing union;
- BC, ON, and PEI define bargaining units in their public service legislation, but they also allow unions to apply for changes in representation for those existing units;
- YK, SK, MB, NB, NS, NL, and the federal public service allow applications to create new bargaining units or to change union representation within existing units.
- Only NWT, NU and NS designate unions and don't provide a process to allow for change in representation for their public service.

## WHO MAKES DECISIONS ABOUT CERTIFICATION AND DECERTIFICATION PROCESSES IN OTHER JURISDICTIONS?

In most cases, decisions about union certification and decertification are made by each jurisdiction's labour relations board. These boards are independent administrative tribunals responsible for overseeing labour relations and ensuring that processes like union organizing and representation changes are fair and follow the law.

None of the three territories have a local labour relations board, or labour relations legislation that sets out the rules for industrial relations for their entire workforce.

The Yukon's public service labour relations legislation gives authority to a board that is made up of members of the Federal Public Sector Labour Relations and Employment Board.

While the labour relations framework for NWT Public Servants is set out in the *Public Service Act*, workers who are not part of the public service in the NWT fall under the *Canada Labour Code* when it comes to labour relations.

The Canada Industrial Relations Board is responsible for making decisions about union certification and decertification in the private sector for all three territories.

# WHAT IS THE PROPOSED STRUCTURE FOR THE PUBLIC SERVICE LABOUR RELATIONS BOARD?

Deciding how to group employees into bargaining units is complex. Careful consideration needs to be given to how changes in the bargaining unit structure might affect workplace stability, the effectiveness of union representation, the labour relations system, and the delivery of public services

Because certification and decertification processes would be new to the NWT's public service, the GNWT proposes to draw on the expertise of an established labour relations board until local experience is developed. Similar to the approach taken in the Yukon, the chair and vice-chair positions would be filled by full-time members of the Federal Public Sector Labour Relations and Employment Board. The proposed amendments would still create opportunities for northern representation by allowing some seats on the board to be filled by NWT residents to help build local expertise over time.