



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Given the passage of time and the evolution of law and human resource practices, the *Public Service Act* has become out of date.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
1. Government of the Northwest Territories 2. Northwest Territories Power Corporation employees 3. Teachers	1. The Union of Northern Workers (UNW) for GNWT and NTPC employees, 2. The Northwest Territories Teachers' Association (NWTTA) for teachers.

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.