



Backgrounder: Collective Bargaining for the Environment

August 2023





The National Union of Public and General Employees (NUPGE) is a family of 13 Component unions. Taken together, we are one of the largest unions in Canada. Most of our 425,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

The office of the National Union of Public and General Employees is on the traditional and unceded territory of the Algonquin peoples and is now home to many diverse First Nations, Inuit, and Métis peoples.

We recognize the crimes that have been committed and the harm that has been done and dedicate ourselves as a union to moving forward in partnership with Indigenous communities in a spirit of reconciliation and striving for justice.

Bert Blundon, President

Jason MacLean, Secretary-Treasurer



Collective Bargaining for the Environment

What does the environment have to do with collective bargaining

Although the environment may not seem like a traditional subject of collective bargaining, there is a strong relationship between work and the environment. The activities involved in work, and workplaces themselves, have various impacts on the environment, such as through consuming resources and producing waste. They also contribute to climate change by causing greenhouse gas (GHG) emissions, such as those from buildings and transportation.

Workers can also be exposed to environmental hazards in their jobs, such as extreme heat or toxic substances, which means the environment affects occupational health and safety (OHS). NUPGE has explored this relationship elsewhere, such as in our *Workers' Environmental Rights* project.¹ The report focused on legislation as a way to advance and protect workers' rights as they relate to the environment, but this backgrounder looks at the role of collective agreements.

Collective bargaining plays an important role in protecting workers' rights and well-being. Collective bargaining is also a way that workers exercise their power. In doing so, workers can help to address/mitigate the environmental impacts of their workplaces and jobs through collective agreement language. In turn, collective bargaining can be a tool for advancing sustainability and climate action.

In the face of the climate crisis, it is more important than ever that we reduce greenhouse gas emissions and other environmental impacts of work and workplaces. In this, workers must have a say and be involved. This is where collective bargaining can play a critical role.

Green collective bargaining

Increasingly, workers and their unions are negotiating collective agreement (CA) language related to the environment. CAs are being used to address a range of issues, from commuting to energy use to the products used in a workplace.

The Adapting Canadian Work and Workplaces to Climate Change (ACW) research project, which NUPGE was a part of, compiled a Green Collective Agreements database as one of its initiatives from 2014 to 2021. There were nearly 300 "green" clauses on various topics. They "reflect the ways in which Canadian labour unions have sought to protect their members from threats to their health, safety, job security, or pay, and to discharge their broader social responsibility to mitigate climate change impacts."²

This backgrounder shows examples of CA language related to the environment and climate change. Many examples come from NUPGE's Component union agreements, as our Advisory Committee on the Environment (ACE) has been sharing language since its inception in 2020 (see Appendix). Examples from non-NUPGE unions were found using the ACW Green Collective Agreements database, which is now archived online.³

Workplace materials and outputs

Workplaces themselves can be significant sites of emissions—homes and buildings account for 18% of Canada’s GHG emissions.⁴ Workplaces also consume resources, produce waste, and have other environmental impacts. Changes can be made to reduce a building’s environmental footprint as well as ensure a safe and healthy environment for the people there.

BCGEU/NUPGE and the Government of BC, April 1, 2019–March 31, 2022⁵
Article 22.14: Pollution Control
The Employer and the Union agree to limit all forms of environmental pollution.

Community Social Services Bargaining Association of Unions and Community Social Services Employers’ Association, April 1, 2019–March 31, 2022⁶
Article 22.2: Working Environment
The parties agree that a safe and clean working environment is essential in order to carry out work assignments in a satisfactory manner. The Employer commits to investigate the use of environmentally friendly products.

Transportation

Transportation is responsible for roughly one-quarter of GHG emissions in Canada.⁷ And it has other environmental impacts, like affecting surrounding ecosystems and pollution. CAs have often dealt with transportation for employees’ travelling to and from work (i.e., commuting), but could also explore transportation on the job (e.g., fleet vehicles).

MGEU/NUPGE and Red River College, June 24, 2017–June 18, 2021⁸
Memorandum of Agreement #5: Winnipeg EcoPass
The Employer shall implement a City of Winnipeg Transit—EcoPass bus pass discount program for all staff at downtown campuses, effective January 1, 2011. The discount shall be at the sixty percent (60%) level.
Effective July 1, 2014 the same City of Winnipeg Transit—EcoPass bus pass discount program shall be extended to staff located at the Notre Dame Campus.

Inclement weather and disasters

Extreme weather and disasters are happening more often, and are increasingly severe, due to climate change. Workers have negotiated protections and processes for these situations.

BCGEU/NUPGE and Northern Savings Credit Union, June 24, 2017–December 31, 2021

20.5 Inclement Weather

The Employer may send any employee home due to inclement weather or power outage, the employees will be without loss of pay for the remainder of that day's scheduled shift. Employees may be required to come back to complete their scheduled shift.

Right to know

Workers fought hard for their right to know about hazards in the workplace. This right, and the right to participate in decisions that affect OHS and the right to refuse unreasonably unsafe work, form the foundation of Canada's OHS regime.⁹ As NUPGE explored in its Workers' Environmental Rights project, these rights could be expanded to apply to environmental situations too. Through collective bargaining, workers and their unions have begun to put this into practice.

BCGEU/NUPGE and the Government of BC, April 1, 2019–March 31, 2022¹⁰

Article 32.13: Disclosure of Information

The Employer and the Union recognize that it is in the public interest for employees to be able to disclose information regarding breaches of a statute, danger to public health and safety or a significant danger to the environment.

No employee shall be disciplined for bringing forth in good faith an allegation of wrongdoing in accordance with the following procedure [detailed procedure follows].

Right to participate: Joint committees

Based on logic similar to that used to justify joint workplace health and safety committees, there has been a push for joint workplace committees on the environment or on emissions reductions.¹¹ This can take the form of expanding OHS committees to include the environment, or it can be a dedicated environment committee.

NAPE/NUPGE and Newfoundland and Labrador—General Service Collective Agreement, March 31, 2018–March 31, 2022¹²

Article 48: Safety and Health

48.05 The mandate of the OH&S Committee shall be expanded to include environmental issues.

United Steelworkers Local 1998 and University of Toronto, July 1, 2020–June 30, 2021¹³

Letter of Intent: Sustainability Committee

The University and the Union recognize the importance of protecting the environment and promoting environmentally sustainable practices in the workplace. To that end, during the life of this Collective Agreement, the parties agree to meet and discuss establishing a sustainability committee with the aim of exploring initiatives and practical measures that address issues related to sustainability, climate change, the University's carbon footprint, and minimizing the unnecessary consumption of resources.

Right to refuse

Less common, and perhaps harder to achieve, is language on the right to refuse environmentally damaging work.

University of British Columbia and International Union of Operating Engineers, Local 115, April 1, 2019–March 31, 2022¹⁴

Article 24: Recycling and Waste Reduction

24.01 The University will provide facilities for the safe reusing or recycling of waste materials generated on the job.

24.02 An employee may refuse to perform work the completion of which would be an offence under provincial or federal environmental legislation.

McMaster University and Unifor, Local 5555, October 2, 2019–September 30, 2023¹⁵

Article 10.04: No Disciplinary Action

No Employee shall be discharged, penalized or disciplined or threatened for acting in compliance with the OHS/A, its regulations and codes of practice and environmental laws, regulations or codes of practice, nor shall an Employee acting in compliance be intimidated or coerced.

Whistleblower protection

Similarly, workers and unions might negotiate protections for workers who speak out about violations of environmental laws or regulations.

Unifor, Local 3000 and White Spot Ltd., January 16, 2019–January 15, 2022¹⁶

Article 15.08: Notification to Authorities of Hazardous Substances

No employee may be disciplined for notifying the appropriate authorities of a release of hazardous substances to the air, earth or water systems. However, it is expected that the Employer will be notified first. This notification would give the Employer the opportunity to take prompt remedial action.

Job transitions

The transition to a more sustainable economy, in order to address the climate crisis, will have impacts on industries, jobs, and workers. Workers and their unions fought hard for technological change provisions in CAs to ensure workers aren't left behind. The same principle can be applied to changes as a result of climate change.

Just Transition, a concept that came out of the labour movement, refers to a process that minimizes the potential harms and maximizes the potential benefits associated with this transition.¹⁷ Government supports and policies will need to play a major role, but collective bargaining can also contribute to a Just Transition.

OPSEU/SEFPO/NUPGE and Ontario Public Service, January 1, 2022–December 31, 2024¹⁸

20.11 CAREER TRANSITION SUPPORT

20.11.1 Surplus employees who do not take pay in lieu under Article 20.2.1.3 will be provided with transition support which shall include skills assessment, counselling and job search skills.

20.11.2 Time spent by the surplus employee in activities outlined in Article 20.11 shall be with pay and no loss of credits.

Conclusion

Collective bargaining can be a critical tool for both protecting workers' rights and well-being and for addressing environmental concerns and climate change more broadly. This backgrounder highlights some existing examples, but it is not an exhaustive overview. There are other topics related to the environment and climate that may be incorporated into CAs to advance sustainability and climate action, such as food procurement or Indigenous rights and sovereignty.

Appendix

NUPGE, through its Advisory Committee on the Environment (ACE) has been tracking collective agreement language related to the environment. The committee has also engaged in discussions and brainstorming on this topic, which informed the background. This appendix contains the Component CA clauses shared and compiled by ACE.

BCGEU/NUPGE—Main Public Service Agreement, April 1, 2019–March 31, 2022

Article 22.14: Pollution Control

The Employer and the Union agree to limit all forms of environmental pollution.

Article 32.2: Commuting

- a) The Employer shall actively participate in environmentally sustainable employee transit programs which encourage employees to use public transit, cycling and/or to carpool to their worksites.
- b) The Employer and the Union agree that there shall be no change in parking regulations and policies except by mutual agreement of the parties.
- c) A joint employer/union parking committee shall be established to study the matter of employee parking and make recommendations to the parties.

Article 32.13: Disclosure of Information

The Employer and the Union recognize that it is in the public interest for employees to be able to disclose information regarding breaches of a statute, danger to public health and safety or a significant danger to the environment.

No employee shall be disciplined for bringing forth in good faith an allegation of wrongdoing in accordance with the following procedure:

- a) An employee shall direct their concern or allegation to the employee's immediate supervisor.
- b) If the employee feels that their allegation has not been adequately addressed at this level or if the allegation relates directly to the immediate supervisor, the employee may refer the matter in writing to the next level of excluded management not directly involved in the matter.
- c) The written notice should provide full particulars of the allegation including the name(s) of individual(s) involved, the date(s) the wrongdoing is alleged to have occurred and any supporting documentation in the employee's possession, or of which the employee is aware.
- d) The excluded manager will acknowledge, in writing, receipt of the employee's notice and will investigate and take such action as may be required respecting the allegation. If the employee feels that their allegation has not been adequately addressed at this level, they will so advise the excluded manager prior to proceeding to the next level of this process.

- e) Where the employee is not satisfied that the allegation has been resolved or is not satisfied with the timeliness of the response at any level, the employee may refer the matter in writing to their deputy minister, including the detailed information outlined above.
- f) Where an allegation involves the Deputy Minister, the employee shall forward their allegation to the Deputy Minister to the Premier.
- g) These procedures do not relieve an employee from the requirements of their Oath of Office, nor do these procedures restrict the employee from exercising their rights or obligations under any applicable statute.

HSABC/NUPGE—Community Social Services Agreement, April 1, 2019–March 31, 2022

Article 22.2: Working Environment

The parties agree that a safe and clean working environment is essential in order to carry out work assignments in a satisfactory manner. The Employer commits to investigate the use of environmentally friendly products.

MGEU/NUPGE—Red River College, June 24, 2017–June 18, 2021

Memorandum of Agreement #5: Winnipeg EcoPass

1. 1. The Employer shall implement a City of Winnipeg Transit—EcoPass bus pass discount program for all staff at downtown campuses, effective January 1, 2011. The discount shall be at the sixty percent (60%) level.
2. 2. Effective July 1, 2014 the same City of Winnipeg Transit—EcoPass bus pass discount program shall be extended to staff located at the Notre Dame Campus.

University of Winnipeg Students Association, April 1, 2017–March 31, 2022

Article 33: Transit Passes

33:01 Winnipeg Transit purchases shall be subsidized by the Employer up to an annual maximum of three hundred dollars (\$300.00).

OPSEU/SEFPO/NUPGE—Ontario Public Service, January 1, 2022–December 31, 2024

20.11 CAREER TRANSITION SUPPORT

20.11.1 Surplus employees who do not take pay in lieu under Article 20.2.1.3 will be provided with transition support which shall include skills assessment, counselling and job search skills.

20.11.2 Time spent by the surplus employee in activities outlined in Article 20.11 shall be with pay and no loss of credits.

PEI UPSE/NUPGE—Civil Service IRAC WCB (April 1, 2018 to March 31, 2022)

Article 24.11: Transportation Conditions

Time lost by an employee as a result of absence or lateness due to storm conditions or because of the condition of public streets and highways must be:

1. made up by the employee at a time agreed upon between the employee and the employees immediate supervisor, or
 2. charged to the employee's accumulated vacation, accumulated holiday time or accumulated overtime, or
 3. otherwise deemed to be leave without pay.
- a) Notwithstanding Article 24.11(a), reasonable lateness beyond the beginning of an employee's starting time shall not be subject to the provisions of Article 24.11(a), where lateness is justified by the employee being able to establish to the satisfaction of the Employing Authority that every reasonable effort has been made by the employee to arrive at their work station at the scheduled time.
- b) The provisions of Article 24.11(a) shall not apply in cases where the Employer ceases specific operations due to storm conditions. In these circumstances, employees will be considered to be on leave of absence with pay.
- c) The parties acknowledge that certain designated workplaces must continue to function when specific government operations are closed due to storm conditions or because of the condition of public streets or highways. In recognition of this fact, designated employees within designated classifications employed in designated workplaces shall be compensated in accordance with Article 11.05. Designated employees in this Article shall be subject to the provisions of Article 24.11(a) and (b) above.

24.14: Other Leave

(c) up to one (1) day in a fiscal year for a critical condition which requires the employee's personal attention resulting from an emergency which cannot be served by others or attended to by the employee at a time when the employee is normally off duty.

NAPE/NUPGE—General Service Collective Agreement, March 31, 2018–March 31, 2022

Article 48: Safety and Health

48.05 The mandate of the OH&S Committee shall be expanded to include environmental issues.

Article 51: State of Emergency

51.01 The following provisions shall apply to employees during a state of emergency declared by the appropriate provincial or municipal authority: (a) All employees shall be deemed to be on duty during the period of closure, with the exception of those employees designated by the permanent head as employees performing an essential service. (b) Those employees designated by the permanent head as employees who perform an essential service shall, where possible, be supplied transportation to their place of work and return by the Employer.

51.02 Where the Employer provides transportation and the employee refuses to report to duty, he/she shall be subject to disciplinary action as prescribed in Article 42.

51.03 Those employees referred to in Clause 51.01(b) above who are on special leave with or without pay immediately preceding the declaration of the state of emergency, will be deemed to be on special leave with or without pay, as the case may be, during the period so declared an emergency.

51.04 The permanent head shall endeavour to designate those employees referred to in Clause 51.01(b) previous to the declared state of emergency; however, the permanent head may require any employee to report for duty during any period declared an emergency.

Endnotes

¹ National Union of Public and General Employees (NUPGE), *Workers' Environmental Rights in Canada*, October 2019, <https://nupge.ca/sites/default/files/inline-files/Workers%27%20Environmental%20Rights%20in%20Canada.pdf>.

² Elizabeth Perry, "Green Bargaining: Sample language from the Canadian Collective Agreements database produced by the Adapting Canadian Work and Workplaces (ACW) research project, York University," YorkSpace, April 2022, <https://yorkspace.library.yorku.ca/xmlui/bitstream/handle/10315/39403/Green%20Bargaining%20Language%202022%20Samples%20from%20the%20ACW%20Database.pdf?sequence=5&isAllowed=y>.

³ "Green Collective Agreements database," YorkSpace, accessed February 13, 2023, <https://yorkspace.library.yorku.ca/xmlui/handle/10315/39403>.

⁴ <https://www.canada.ca/en/services/environment/weather/climatechange/climate-plan/climate-plan-overview/healthy-environment-healthy-economy/annex-homes-buildings.html>

⁵ BC Public Service Agency and the BC General Employees' Union (BCGEU), "Eighteenth Main Public Service Agreement, April 1, 2019, to March 31, 2022," <https://agreements.bcgeu.ca/pdfs/PostedFiles/Posted%202019/PS18v3.pdf>.

⁶ Community Social Services Employers' Association (CSSEA) and the Community Social Services Bargaining Association of Unions (CSSBA), "General Services Collective Agreement, April 1, 2019, to March 31, 2022," <https://hsabc.org/system/files/Collective%20Agreement-General%20Services.pdf>.

⁷ Government of Canada, "Annex: Homes and buildings," *A Healthy Environment and a Healthy Economy*, last modified February 12, 2021, <https://www.canada.ca/en/environment-climate-change/services/environmental-indicators/greenhouse-gas-emissions.html>.

⁸ The Board of Governors of Red River College and Manitoba Government and General Employees' Union, "Collective Agreement, June 24, 2017 to June 18, 2021," https://www.mgeu.ca/uploads/document/red_river_college_local_73_june_24_2017_to_june_18_2021.pdf?t=1569518608.

⁹ Canadian Centre for Occupational Health and Safety (CCOHS), "Health and Safety Legislation in Canada – Three Rights of Workers," OSH Answers Fact Sheets, last modified February 17, 2023, https://www.ccohs.ca/oshanswers/legisl/three_rights.html.

¹⁰ BC Public Service Agency and the BC General Employees' Union (BCGEU), "Eighteenth Main Public Service Agreement, April 1, 2019, to March 31, 2022," <https://agreements.bcgeu.ca/pdfs/PostedFiles/Posted%202019/PS18v3.pdf>.

¹¹ Labour Education Centre, "Collaborate to Reduce GHGs," accessed February 21, 2023, https://www.laboureducation.org/collaborate_reduce_ghgs.

¹² His Majesty the King in Right of Newfoundland and Labrador, C. A. Pippy Park Commission, Government Purchasing Agency, Municipal Assessment Agency, Rooms Corporation of Newfoundland and Labrador, and the Newfoundland and Labrador Association of Public &

Private Employees, "General Service Collective Agreement, November 1, 2022, to March 31, 2026", <https://nape.ca/wp-content/uploads/2022/11/General-Service-2022-2026-1.pdf>.

¹³ The Governing Council of the University of Toronto and the United Steelworkers, "Collective Agreement for the 'Staff Appointed' Bargaining Unit," July 1, 2020, to June 30, 2021," <https://people.utoronto.ca/wp-content/uploads/2021/04/USW-SA-Collective-Agreement-2020-2021-April-2021-Fully-Signed.pdf>.

¹⁴ The University of British Columbia and International Union of Operating Engineers, Local 115, "Collective Agreement, April 1, 2019, to March 31, 2022," <https://hr.ubc.ca/sites/default/files/wp-content/uploads/UBC-and-IUOE-115-Collective-Agreement-2019-2022-FINAL.pdf>.

¹⁵ McMaster University and Unifor Local No. 5555 Unit 1, "Collective Agreement, May 1, 2022, to April 30, 2025," <https://hr.mcmaster.ca/app/uploads/2022/05/McMaster-Unifor-Unit-1-Collective-Agreement-2022-2025.pdf>.

¹⁶ WhiteSpot Ltd. and Unifor Local 3000, "Collective Agreement, January 16, 2019, to January 15, 2022," https://www.bcbargaining.ca/content/2597/White%20Spot%20Restaurants%202019-2022_Final_May21_2019.pdf.

¹⁷ "Frequently Asked Questions on Just Transition," International Labour Organization, accessed February 22, 2023, https://www.ilo.org/global/topics/green-jobs/WCMS_824102/lang-en/index.htm.

¹⁸ The Ontario Public Service Employees Union / Syndicat des Employés de la Fonction Publique de L'Ontario, "Unified Bargaining Unit Collective Agreement, January 1, 2022 to December 31, 2024," <https://opseu.org/wp-content/uploads/2022/11/2022-2024-OPSEU-SEFPO-Unified-Agreement.pdf>.

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COMPONENTS



B.C. GENERAL EMPLOYEES' UNION



CANADIAN UNION OF BREWERY AND GENERAL WORKERS



HEALTH SCIENCES ASSOCIATION OF ALBERTA



HEALTH SCIENCES ASSOCIATION OF BRITISH COLUMBIA



HEALTH SCIENCES ASSOCIATION OF SASKATCHEWAN



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