



# PCA

PROGRESSIVE  
CONTRACTORS  
ASSOCIATION  
OF CANADA

## Written Submission on the Canada Labour Code Consultations 2026



Progressive Contractors  
Association of Canada



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## ABOUT PCA

The Progressive Contractors Association of Canada (PCA) is a national construction industry association that advocates for fair, open, and competitive construction markets across Canada. Representing over 150 member companies employing more than 40,000 skilled workers, PCA promotes a modern approach to labour relations grounded in worker choice, collaboration, and performance. Its member firms operate across a wide range of sectors, with a strong focus on infrastructure and industrial projects.

Distinct from traditional union-affiliated associations, PCA champions policies that support workforce mobility, responsible bidding practices, and effective labour partnerships—including those with CLAC. By fostering innovation, engaging constructively with government, and supporting practical workforce development, PCA helps build a more productive, flexible, and forward-looking construction industry.



# INTRODUCTION

PCA Members' business models rely on their collaborative, wall-to-wall, direct-hire progressive labour model to maximize workforce productivity in the construction sector. PCA and our members were pleased to see the federal government announce their Whole-of-Government Competition Plan in the 2026 Spring Economic Update. PCA and our members support the federal government in their efforts to promote competition and enhance productivity in the construction sector.

Competition and productivity within the sector cannot thrive in a legal environment where one subset of Canadian workers is privileged over others based on their choice in exercising those rights. It is critical to ensure that the Canada Labour Code (the Code) continues to protect the rights of workers to freedom of association and free collective bargaining while ensuring legal neutrality towards the labour model used in the workplace.

PCA's recommendations are presented below in order of subject outlined in the Consultation Document published by Employment and Social Development Canada (ESDC).

## RECOMMENDATIONS:

### 1. Revising the timelines for direct bargaining

The Code applies to work "connecting any province with any other province, or extending beyond the limits of a province"<sup>1</sup> as well as work which is "before or after its execution declared by Parliament to be for the general advantage of Canada or for the advantage of two or more of the provinces,"<sup>2</sup> among other criteria. While there are no specifications within the Code outlining project timelines, projects of this scope frequently extend beyond three years in duration.

<sup>1</sup> Canada Labour Code, R.S.C., 1985, c. L-2, 2(b)

<sup>2</sup> Ibid, 2(h)

That time frame is important because the three years marks the first point at which one trade union can seek to replace another as the bargaining agent for a given bargaining unit (the Open Period), with subsequent open periods taking place annually in conjunction with the conclusion of the first three years of a collective agreement.<sup>3</sup>

PCA recognizes open periods as key elements to workplace democracy, and competition for workforce representation between trade unions. That said, putting open periods in the middle of major projects undermines cost certainty for contractors bidding work, and creates risk for project proponents and owners.

**PCA recommends that 24(2) of the Canada Labour Code be amended by allowing a collective agreement to cover the expected duration of major projects for bargaining units working on that project with a single open period taking place during the final three months of that collective agreement.**

Such an amendment would ensure the continued strength of workplace democracy and competition between trade unions for worker representation while providing cost certainty for project proponents, owners, and contractors as the Government of Canada seeks to get major projects built faster.

## 6. Assessing examples of bargaining approaches from other jurisdictions

PCA highly recommends the progressive labour model for assessment under this Code review as a model that supports workplace democracy and promotes harmonious labour relations. We make this recommendation because it has been being used successfully by our members in delivering major projects and critical infrastructure across sectors for decades.

<sup>3</sup> Ibid, Div III, 24(2)(c) and (d)

The progressive labour model, is rooted in the idea that both employers and workers can and should benefit from a company's success. Like all unions, progressive unions negotiate collectively with employers for the benefit of workers. They differ from other unions by emphasizing collaboration with employers so that both employers and workers can maximally benefit together from their respective efforts.

Progressive unions organize worksites along a wall-to-wall model in which all trades in the workplace are covered under the same collective agreement. This is the standard model for collective bargaining in Canada.

By contrast, legacy unions are divided by craft, and members of one craft union are contractually prohibited from doing work that falls into the scope of another trade regardless of the given worker's actual competencies. For example, under the legacy model, a carpenter could build a fence, however, may not be allowed to either deliver the wood to the job site (Teamster's work), to unload the wood from the truck (labourer's work), or to paint the fence upon completion (painters work).

The progressive model means that workers can be employed in various tasks according to safety and competency standards, rather than be restricted according to their membership in a particular union. The wall-to-wall model gives workers more time on tools while limiting "hurry-up-and-wait" time on the employers' books.

Additionally, the progressive labour model allows employers to name hire, a practice that lets them choose their own workers. Those workers are represented by the union upon their hire. In the legacy model, the union provides employers with workers of the union's choosing from the union's hiring hall generally based on seniority rather than a job-specific skillset, expertise, or crew fitness. Ultimately, this leads to employers making efforts to retain good workers during slower times rather than laying them off at risk of losing them during peak periods, resulting in less strain on the EI system and greater certainty for core workers.

Lastly, progressive unions negotiate directly with each employer, and the specifics of every contract can be adjusted to establish provisions that work well for both parties. For example, every PCA member provides benefits to their workers. In some collective agreements, those benefits are paid through the union. In others, those benefits are provided directly by the employer. Under the legacy labour relations model, unions negotiate with provincial or regional bodies, sometimes known as Construction Labour Relations Associations resulting in a one-size-fits-all contract for all affiliated employers in that region.

The progressive model is defined by combining effective collective bargaining with harmonious labour relations.

**PCA Recommends that the Canada Labour Code be updated to ensure that the components of the progressive labour model (wall-to-wall unions instead of jurisdictional craft unions, name hire by employers rather than the use of a hiring hall, and direct negotiations between union and employer rather than negotiations with a third party) be given equivalency in the Code, and that collective agreements negotiated with progressive unions be given legal equivalency with those negotiated with other unions.**

### 13. Other potential changes to the Code

A) PCA supports workplace democracy as a necessary element of workers' right to free collective bargaining. It is our position that every effort to certify a workplace should require the democratic consent of the workers. With this in mind,

**PCA recommends that Div III, (29) be amended to make a representation vote by secret ballot among members of the bargaining unit automatic and that Div III (30) be amended to ensure that those eligible to vote include all employees of the bargaining unit who are engaged in the relevant work.**

B) PCA recognizes the right to strike as a critical lever in the collective bargaining process. However, workers must have the prerogative to reject a contract offer and send their union back to the bargaining table on their behalf without automatically authorizing a strike. As such,

**PCA recommends that Div V.1, (87.3)(3) be amended to say that “A vote held under subsection (1) or (2) must be conducted in such a manner as to ensure that those employees who are eligible to vote are given a reasonable opportunity to participate in the vote and to be informed of the results, and that the question put to the vote shall be singular, unambiguous, and separated from all other matters.**

C) PCA respects the importance of the legislative process to Canadian democracy. As there are currently two Bills before the House of Commons that seek to amend the Canada Labour Code, we believe it is important to allow the democratic process to run its course.

**PCA recommends that any changes to the Code outlined in Bills C-222, C-247 and C-259 be rejected at this juncture and the legislative process be allowed to take its course.**



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