



UNIFOR LOCAL 5555, UNIT #1
BARGAINING BULLETIN - 02
APRIL 14, 2016

What we can report to you after the first few days of bargaining... The Bargaining Committee has met every day since Monday with the University. A number of housekeeping items have already been tentatively agreed to. And several Articles have been signed off on by both sides. We will continue to meet daily next week and will continue to negotiate for a fair contract for our members.

**Thank you for your continuing support of your Bargaining Committee. You can continue to email your comments and suggestions to:
bargaining2016@unifor5555.ca**

MORE ON THE BARGAINING PROCESS

A STRIKE MANDATE VOTE, is a crucial tool for successful bargaining, an affirmative vote puts the right to call a strike (or other job action) in the hands of the elected bargaining committee. An affirmative strike mandate vote sends a clear message to the employer that the members stand behind the bargaining committee and the proposals that the union put forward. This is not a vote for an immediate strike and it does not necessarily mean that there will be a strike, it simply means that the membership is supportive of the bargaining committee. Strike mandate votes almost never fail. The union may call for a strike mandate vote if bargaining is not going well.

A SUCCESSFUL ROUND OF BARGAINING WILL RESULT IN A TENTATIVE AGREEMENT. Once a tentative agreement is reached, a ratification meeting will take place as soon as possible. An information blackout will be maintained until the ratification meeting. This is to ensure that an accurate explanation of the agreement is presented to the membership as a whole at one time. A Unifor 'Contract Highlights' report will be prepared and made available at the ratification meeting. This summarized document will capture all of the significant negotiated changes to the collective agreement. The tentative agreement is then voted on by the members present at the ratification meeting and either ratified (50 per cent - plus one) or turned down. Similarly, a tentative collective agreement is ratified by the university when the tentative agreement is approved by the Board of Governors. Once both parties have ratified the tentative collective agreement, it is finalized and implemented.

WHEN TIME AVAILABLE FOR BARGAINING RUNS OUT AND NO TENTATIVE AGREEMENT IS REACHED, then before the strikes can be called, the sides must go through the legally required steps of conciliation/mediation. Conciliation is a process by which a trade union or an employer can ask the Ontario Ministry of Labour for help in resolving their differences so that they can reach a collective agreement. Either party may apply to the ministry. If parties are in negotiations, they must use the government's conciliation services before they can get into a position to engage in a strike or lock-out.

WHAT IF THE EMPLOYER AND THE UNION CANNOT REACH AGREEMENT IN CONCILIATION? The conciliation officer informs the Ontario Minister of Labour that a collective agreement was unable to be effected. The Minister would then generally issue a notice informing the union and the employer that he or she “does not consider it advisable to appoint a conciliation board” (section 21(b) of the act). This notice is known colloquially as the “no board”. [Conciliation boards are exceedingly rare. They have not been appointed in recent years.]

WHAT FURTHER ASSISTANCE IS AVAILABLE TO THE BARGAINING PARTIES AFTER A “NO BOARD” GETS ISSUED? If the parties have not reached a settlement in the conciliation stage, the Ministry continues to offer the services of a mediator who will confer with the parties and endeavour to effect a collective agreement. This is referred to as the mediation stage, a process by which a third party attempts to help a trade union and an employer in reaching a collective agreement. Since mediation is discretionary, the service is only used if both parties agree to it.

MEDIATION SERVICES AIM TO FOSTER HARMONIOUS LABOUR RELATIONS and to minimize disruption in the economy arising from strikes and lockouts. The service provides conciliation and mediation services in order to assist the parties in bargaining collective agreements. Parties in a labour dispute must use the government’s conciliation services before resorting to strikes or lockouts. The service also provides an Interactive Solutions program to assist the parties in improving their relationship and to provide an awareness of best practices. These programs include: Relationship Building Program, Joint Union/Management Training, Interest-Based Bargaining Training and Facilitation

WHAT IF AGREEMENT IS STILL NOT REACHED? There are several preconditions to get into a legal position to strike or lock-out: If an employer and union are party to a collective agreement, the agreement must have expired; In the case of a strike, a strike vote must have been held; A Conciliation Officer must have been appointed and a “no-board” issued. It’s legal to strike or lock-out beginning on the 17th day after the Minister mails the “no board” notice. There can be some confusion about this because the act states that the period is 14 days after the release of a notice. The notice is not deemed to have been released, however, until the second day after it was mailed. This extends the period to 16 days, and since they must be ‘clear’ days, it means that a strike cannot legally start until the beginning of the 17th day. Then, and only then, can strike action can be initiated. Until these conditions are met, the terms and conditions of the collective agreement remain as they are written.

MUST THERE BE A STRIKE VOTE BEFORE A STRIKE CAN TAKE PLACE? Employees cannot lawfully strike unless a strike vote by secret ballot is taken before 30 days of the collective agreement expiring or at any time after the agreement expires, and more than 50 per cent vote (50 per cent plus one), of those who vote, in favour of the strike. As a result, all bargaining unit members are always encouraged to participate in the vote. A strike vote must be by secret ballot and all people eligible to vote must have ample opportunity to do so. All employees in a bargaining unit are entitled to participate in such a vote. This is a vote that is conducted entirely by the union; it is not supervised by the Ministry of Labour, and it is entirely up to the union as to whether it will release the specific vote results.

MORE ON THE PROCESS IN THE NEXT BLAST...