



## What is Collective Bargaining?

Collective Bargaining is the process where CUPE Local 5167 and an employer negotiate with the intent to renew a Collective Agreement.

The parties often focus on issues like wages, working conditions, grievance procedures and benefits. Through the bargaining survey, members are asked to submit their ideas to improve the language in the Collective Agreement to the bargaining committee before bargaining begins. The bargaining committee is made up of union executives and members at large as voted by the membership.

## How long does it take to negotiate a Collective Agreement?

There is no way to predict how long it will take. Some contracts can be negotiated in a matter of weeks while others can take months or sometimes more than a year.

## What is conciliation?

Conciliation is the process under the Labour Relations Act where the union or the employer can ask the Ontario Ministry of Labour for help in resolving their differences so that they can reach agreement. The Minister will appoint a conciliation officer to assist in the process. The conciliation officer is an important third party whose role is to try to assist both sides in coming to a deal. Usually, it is the union that requests conciliation, but not always.

Conciliation is a mandatory step before either side can be in a position to engage in a strike or lock-out.

### **What if the employer and the union can't reach agreement in conciliation?**

The conciliation officer will inform the Ontario Minister of Labour that the parties were unable to reach agreement. 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". **This notice is known as a "no board".**

If the parties have not reached a settlement in the conciliation stage, the ministry will continue to offer the services of a mediator who will meet with the parties to try to obtain agreement. This is referred to as the mediation stage. Since mediation isn't mandatory, the service is only used if both parties agree to it.

### **What is a strike?**

A strike is a collective action by employees to stop or curtail work.

The Labour Relations Act defines a strike as - a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output.

Strike action may include picketing the workplace, lobbying for political support, information pickets, workplace demonstrations of solidarity (wearing blue), etc.

## **What is a lock-out?**

A lock-out occurs when an employer closes a workplace, suspends work or refuses to continue employing a number of employees during a labour dispute.

The Labour Relations Act defines a lock-out as - the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of employees, with a view to compel or induce the employees, or to aid another employer to compel or induce that employer's employees, to refrain from exercising any rights or privileges under this Act or to agree to provisions or changes in provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, an employers' organization, the trade union, or the employees.

## **When are the parties in a legal position to strike or lock-out?**

There are several conditions that must be met in order to get into a legal position to strike or lock-out:

1. The collective agreement must have expired.
2. In the case of a strike, a strike vote must have been held.
3. A Conciliation Officer must have been appointed and a "no-board" report issued.

It is legal to strike or lock-out beginning on the 17<sup>th</sup> day after the minister issues the "no board" notice.

## **What is a strike vote?**

The union will call for a strike vote when the collective bargaining process reaches a point at which the Employer is unwilling to meet the demands of the membership.

A successful strike vote authorizes the union's executive to call a strike if further negotiations do not produce an agreement acceptable to our members.

What this means is that your elected bargaining committee will take this mandate back to the bargaining table and ask the employer for a better contract. If the employer refuses to budge it is at that point that the bargaining committee will determine if job action, including but not necessarily limited to a strike, should begin.

## **Must there be a strike vote before a strike can take place?**

Yes, employees cannot lawfully strike unless a strike vote is taken. The vote can take place within 30 days of the collective agreement expiring or at any time after the agreement expires.

In order to be in a legal position to strike, more than 50 per cent of those voting must be in favour of the strike. The vote must be by secret ballot and all people eligible to vote must have had ample opportunity to do so. All employees in a bargaining unit are entitled to participate in such a vote.

### **What does a yes vote mean?**

A “yes” vote gives our bargaining team strong support to negotiate for a better contract. It proves to the Employer that the membership stands behind their bargaining committee and the priorities being put forward at the table. It shows the employer that we are prepared, if necessary, to defend our bargaining proposals. In many cases a strike vote is enough to make the employer move significantly.

### **What does a no vote mean?**

A “no” vote shows the employer that union members are not willing to take collective action in order to secure their demands and a better contract. Voting “no” considerably reduces the leverage of the Union’s Bargaining Committee at the table and damages our chance of negotiating a good contract.

### **Is there a second-strike vote?**

No. You get one opportunity to say “yes” or “no” in a strike vote. The decision of the bargaining committee to ask the members for a strike mandate only arrives after much deliberation and careful consideration.

If a majority of members vote in favour, this authorizes the bargaining team to call a strike. **This does not necessarily mean that a strike will happen.** It means that the bargaining team can return to negotiations with more leverage and the ability to call a strike if the employer still refuses to budge. The decision to strike is never taken lightly.

### **Is a strike inevitable?**

No. While a majority strike vote will authorize the union executive to call for a strike if the bargaining process breaks down, it does not necessarily mean that a strike is inevitable. In fact, the stronger the strike vote, the less likely it is that we will have to strike, because it signals to the employer that we are united in our resolve to obtain the best possible contract.

While a strike vote may sound alarming, it is not at all unusual. We have had strike votes in previous rounds of bargaining, giving the bargaining team more leverage to make gains at the table. These gains in turn were translated into stronger contracts and better benefits to our members.

### **Can the employer request a vote on the employer's last offer?**

Any time before or after the commencement of a strike or lock-out, the employer may request that the Ontario Minister of Labour direct a vote of the employees in the affected bargaining unit to accept or reject the employer's last offer on all matters remaining in dispute.

Upon receiving this request, the minister is obligated to direct such a vote, but such a vote may only take place once.

Neither the request to the minister nor the holding of the vote affect the time periods set out in the act.

