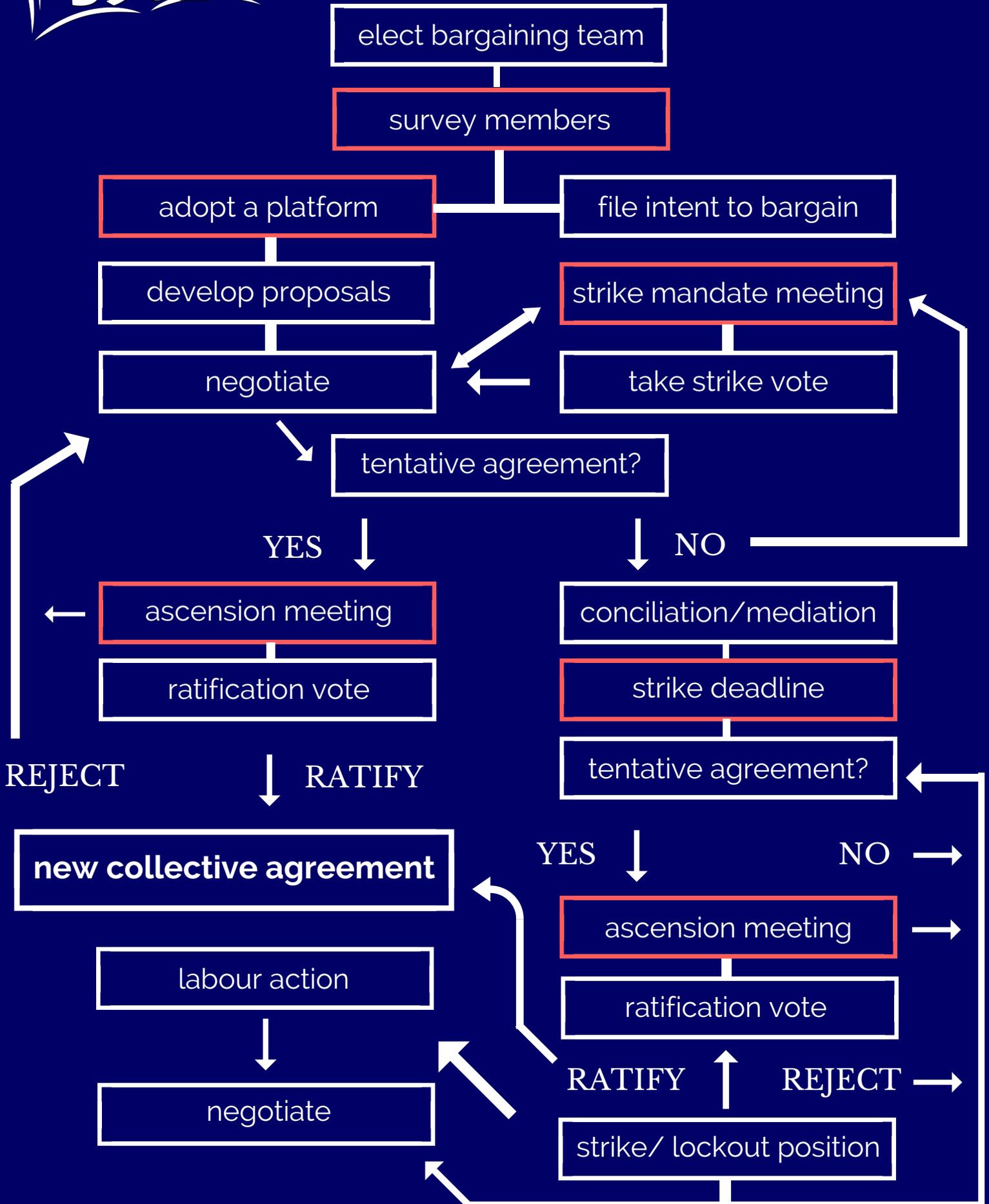




Collective Bargaining Process



Collective Bargaining Process Definitions

Ascension meeting: A meeting at which a motion to move onto a next step in collective bargaining is debated by the membership. For example, this Local holds ascension meetings to determine if strike votes and ratification votes will go to the unit's whole membership. If a motion to proceed fails at an ascension meeting, for example, a tentative agreement will not be presented to the whole membership for ratification.

Bargaining platform: A bargaining platform is the broad principles and needs identified by members that will inform this round of bargaining. The platform is based on the results of the bargaining survey and will be the basis of future bargaining proposals.

Bargaining team: Both the Local and the Employer have Bargaining Committees. The Employer appoints theirs, while the Union's team is elected by the membership at a General Membership Meeting. The Union's elected committee will be at the bargaining table and actively involved in drafting proposals and negotiating a contract. Also called a bargaining committee, the duties of the group are laid out in Article 14.1(b) of our Local's bylaws.

Collective Agreement: A legally-binding written contract, arrived at through the process of negotiation, which covers the employee's wages, hours, and terms and conditions of employment. A written agreement between the Union and the Employer is for a definite term, defining conditions of employment (wages, hours, benefits, working conditions, etc.) rights of employees and the processes for resolving disputes or handling issues that arise during the term of the agreement.

Conciliation: 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.

Intent to bargain: In order to renegotiate the terms of the collective agreement, either party must serve formal notice in writing to the other party of an intent to bargain. According to our CAs, this can be done within 90 days prior to the expiration of a CA, and after notice is served, bargaining is to begin within 15 days.

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. Legally, this can only be done at the end of the 17 day "cooling off" period after conciliation has failed and the conciliation officer has filed a "no board" report.

Mediation: 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.

Proposals: The Union submits proposed language as additions, deletions or amendments to the Collective Agreement. This language is informed by the priorities set out in the platform, as well as by trends in the sector and the workplace.

Ratification: Ratification by the union is the process by which members of the bargaining unit vote to accept or reject the terms of the collective agreement that the university and union have negotiated. The ratification vote happens at the end of collective bargaining, after the university and the union have reached a tentative agreement.

All members of the bargaining unit have the right to vote. Each person gets one vote. The vote must be conducted by secret ballot. The collective agreement is considered "ratified" by the bargaining unit if a majority (50% +1) of those voting accept the terms of the tentative collective agreement.

Strike: According to the Ontario Labour Relations Act, "strike" includes 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.

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.

Strike deadline: The date after which a Union can commence legal strike action. According to the Ontario Labour Relations Act, this is 17 days after the conciliation officer has "booked out." This Local has a practice of having bargaining units set their own strike deadlines which are separate from the legal deadline.

Strike mandate: When the bargaining team has been given the power to initiate job action should conciliation fail, as determined by a secret-ballot vote of the bargaining unit.. A successful strike mandate vote is a necessary requirement for legal strike action. This Local has a practice of consulting with members in other ways before job action can begin.

Strike vote: Employees cannot lawfully strike unless a strike vote by secret ballot is taken within 30 days of the collective agreement expiring or at any time after the agreement expires, and more than 50 per cent vote in favour of the strike. With a first collective agreement, the vote must be conducted after the appointment of a conciliation officer. 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, whether or not they are trade union members, are entitled to participate in such a vote.

Tentative agreement: A tentative agreement means the university's and the union's negotiating teams have agreed to the terms of a collective agreement, but the terms have not yet been agreed to ("ratified") by the bargaining unit members or the university's governing body.

