THE NEGOTIATION PROCESS

* Notice to bargain forwarded within the period set out in the collective agreement prior to its expiry – usually 90 days prior
* Employer and Union mutually agree to dates for face-to-face negotiations
* Should one or both of the parties come to an impasse either party may access the provisions as set out under the Ontario Labour Relations Act (OLRA)
* To access the OLRA provisions one of the parties complete a request (form) requesting the assistance of a Conciliation Officer from the Ministry of Labour
* The Ministry of Labour assigns a Conciliation Officer to the parties. The Conciliation Officer contacts the party which initiated the request to ascertain dates to meet for conciliation and dates are identified mutually between the parties. If the parties cannot agree the Conciliation Officer may assign a date and the parties must comply.
* According to the OLRA the parties must conduct at least one day of conciliation in order to comply with legislation wherein if the parties cannot negotiate a settlement then a “No Board” is requested and a strike/lock out deadline is set. If one of the parties requests the “No Board” the parties generally mutually agree to the date of the strike/lock out deadline but if that is not possible then again the Conciliation Officer has the authority to set the strike deadline.
* Once the “No Board” has been received by the Ministry of Labour, the parties may mutually agree to engage the assistance of a Mediation Officer with the Ministry of Labour which may be the previous Conciliation Officer or a newly assigned officer in order to attempt a resolve of outstanding issues. A mediation meeting is usually set just prior to the strike/lock out deadline in order to avert strike/lock out action.
* At the point that Conciliation has been requested CUPE requires the Local Union to conduct a strike vote. The purpose of the strike vote is to ensure employers understand the serious nature of breakdowns at the negotiation table.
* CUPE National provides assistance to Local Unions when conciliation is necessary by providing resources that include the Communications Department and Research to begin strike aversion preparations. This may include unpaid and paid action by the National Rep and Local. Any paid strike aversion actions are co-shared 50/50 between the CUPE National and the Local. Strike aversion action includes use of media, social media, presentations, rallies, work to rule, etc.
* At this time, we ask the Local members to start strike preparation. Training will be scheduled and anyone interested in attending the training should contact a member of the Local executive. The Local Union will require members to volunteer for strike preparation committee and to act as picket captains.
* If conciliation is unsuccessful and the Negotiating Committee is unable to bargain a tentative settlement and the “No Board” is requested and a strike/lock out deadline is set then we will ramp up the strike aversion. Any costs associated with strike averting will be covered 100 percent by CUPE National after a “No Board” is requested.
* Strike pay is $300 per week and is paid on the tenth day of strike action. CUPE National also continues the payment of benefits and pension contributions preferably by being invoiced by the employer. There are no deductions on the $300 strike pay. If the Local Union has a strike fund then those funds may be used to bridge the non-paid days by CUPE National.
* There are no proxy votes as CUPE National does not allow for this provision. It is the requirement of National that members need to attend and participate in person so that members clearly understand the reasons that the Negotiating Committee is requesting the support of their members with a strike vote.
* There will only be one strike vote taken and we respectfully request the support of the membership so that the Negotiating Committee can bargain the best improvements possible for their collective agreement and working conditions.