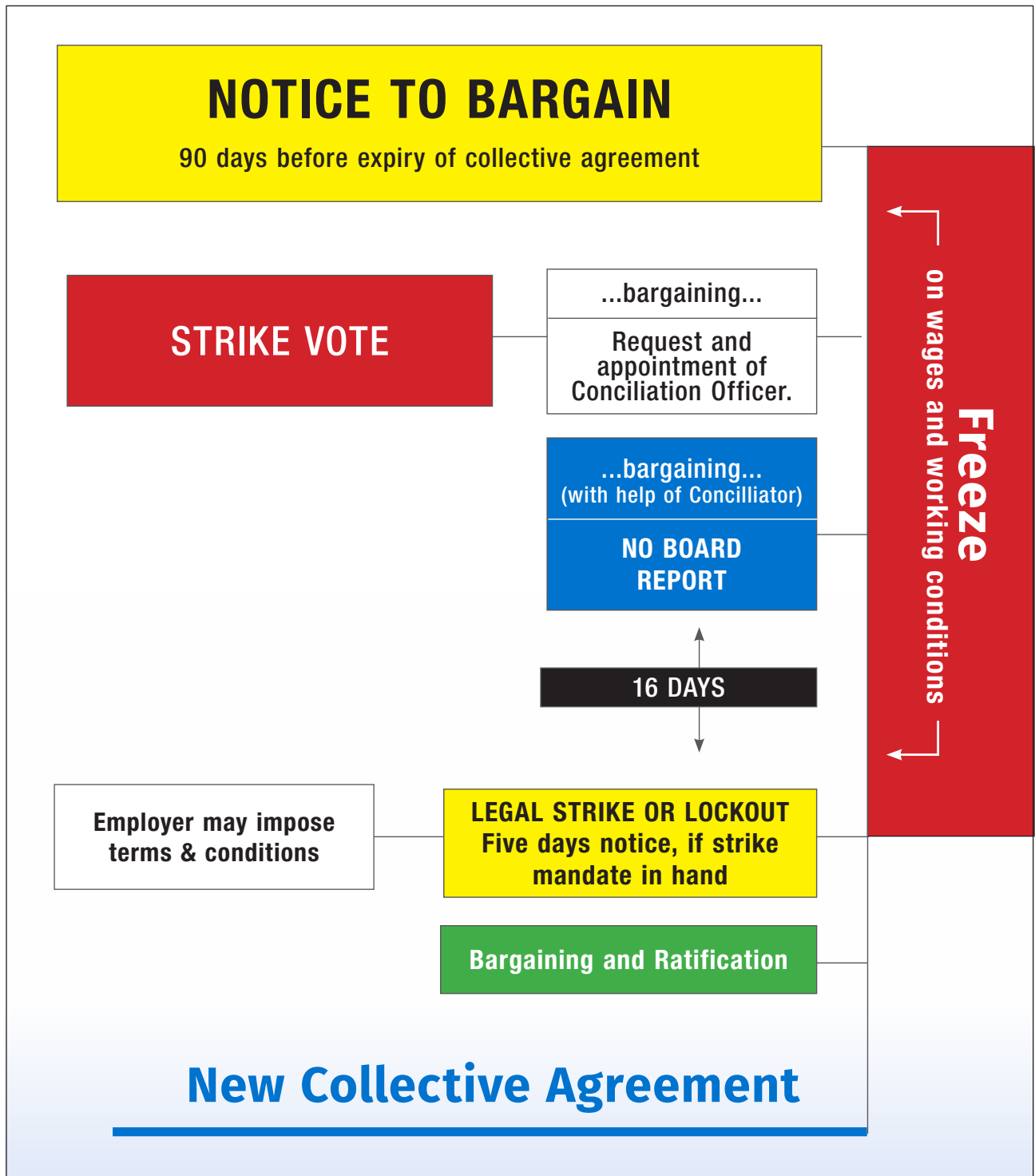


Timelines Under the Colleges Collective Bargaining Act (CCBA)



Members Decide

Bargaining begins with a pre-bargaining conference of Local Presidents, elected delegates, and the members of the divisional executive. The purpose of the pre-bargaining conference is to identify a number of broad issues that are relevant to the upcoming round of negotiations and to provide guidance and recommendations to the local demand-setting meetings.

This meeting elects a bargaining team composed of seven members. Two alternates are also elected. The bargaining team, in turn, elects a chair and vice-chair. Prior to local demand-setting, locals also hold a general membership survey.

At the local demand-setting meetings, members examine the issues that were discussed and prioritized by the pre-bargaining conference. These issues are voted on to determine a ranked list of priorities.

After all the college locals have had an opportunity to set their local demands, a final demand-setting meeting brings delegates from all the colleges together to pool the results of the local meetings and create a list of central demands, again with priority rankings. The elected bargaining team, with support from OPSEU/SEFPO staff, develops its own bargaining strategy at the provincial level.

Notice to Bargain

Either party can serve notice to bargain at any time after 90 days before the collective agreement expires. Once notice is served, the terms of the collective agreement are frozen and cannot change. The collective agreement remains in effect until a new contract is reached, or until a legal strike or lockout deadline.

Negotiations

The union's bargaining team meets with the College Employer Council's (employer) bargaining team to exchange proposals and seek agreement on items for the new collective agreement. The bargaining teams may meet many times over a series of months to attempt to negotiate the terms of a new collective agreement.

Conciliation

During negotiations, either party may ask the Ministry of Labour, Immigration, Training and Skills Development (MLITSD) to appoint a Conciliation Officer. The Conciliation Officer is a neutral third party brought in to help the parties reach agreement on the outstanding issues. If the parties have not reached a settlement through negotiation, then conciliation is a required step. Conciliation can last one day or much longer, depending on the progress or lack of progress made.

Strike Vote

Under the *Colleges Collective Bargaining Act* (CCBA), the union can request a strike vote. A strike vote is conducted to give the union bargaining team the authority to call a strike, if it is necessary to achieve an acceptable collective agreement. This secret ballot strike vote is then scheduled and conducted under the supervision of the Ontario Labour Relations Board (ORLB).

When a majority of workers in the bargaining unit vote "yes" in a strike vote, they deliver their bargaining team a strike mandate. A strike mandate does not mean that workers will automatically go on strike. It does, however, give the bargaining team the authority to call a strike, if necessary – and sends the bargaining team back to the table with the full strength of the membership behind them. A strong, high-participation "yes" vote is crucial leverage in bargaining, building pressure on the employer in negotiations.

Report of the Conciliation Officer/“No Board” Report

Where a Conciliation Officer has been appointed, the officer is required under the CCBA to report to the Minister of Labour, Immigration, Training and Skills Development within fourteen (14) days of being appointed (although this deadline can be extended if talks are progressing).

If the Conciliation Officer reports that, in the words of the CCBA, “despite the efforts of the Conciliation Officer, the terms of a collective agreement have not been settled,” then the clock starts ticking toward a legal strike or lockout deadline. While rare, this has the same effect as the “No Board” report commonly referred to under the *Ontario Labour Relations Act*.

At any point during Conciliation, either party can request a “No Board” report from the Ministry; once issued, a sixteen (16) day countdown initiates to the first legal date on which either the employer or the union can initiate a legal work stoppage. Under the CCBA, five (5) days notice of labour action is required by either party in advance of any form of labour action.

Mediation

This is an optional bargaining step that may happen after a Conciliation Officer has determined that “despite the efforts of the Conciliation Officer, the terms of a collective agreement have not been settled.” Mediation has a different significance as the clock ticks down to a strike or lockout deadline – the parties may make more serious attempts to resolve outstanding issues while facing an impending strike or lockout.

Employer Last Offer Vote

Under the CCBA, the College Employer Council, no earlier than fifteen (15) days before the expiry of a collective agreement, may make

a request, in writing, to the Ontario Labour Relations Board that employees vote to accept or reject the Council’s last offer to the union in respect of all matters remaining in dispute.

A majority of the bargaining unit can vote to reject a last offer. In this event, if the bargaining unit is on strike or locked out, labour action will continue. If a majority of the bargaining unit votes to accept the employer’s last offer, the contract is settled.

Strike or Lockout Deadline

Workers may legally strike, or the employer may legally lock them out, sixteen (16) days following the release of the Conciliation Officer’s report – or the issuing of a requested “No Board” by either party – stating that conciliation has failed to produce a collective agreement.

Under the CCBA, five (5) days notice of labour action is required by either party in advance of any form of labour action.

Ratification

Whether a bargaining unit ultimately settles its collective agreement through negotiation, conciliation, a strike or a lockout, all employees in the bargaining unit have the right to vote by secret ballot on whether to accept or reject their new collective agreement. This vote is conducted under the supervision of and in the manner directed by the Ontario Labour Relations Board.

The sole exception to ratification by vote involves both parties agreeing to enter binding interest-arbitration. Suspending the ability to negotiate freely as bargaining agents, both parties agree on an independent, neutral arbitrator who will objectively consider the positions of both employer and union and rule on the new terms of a new collective agreement.

Forms of Strike Action

There are several forms of labour action available to works. Here is a helpful glossary of terms:

- A **strike** is the act of unionized workers withdrawing their labour to pressure an employer to meet work demands. A strike is a last resort, after negotiations have broken down, and the most powerful tool at workers' disposal to affect change.

Strikes have won us many standardized rights and protections, including maternity leave and the 8-hour workday. The end goal of a strike is to compel the employer to return to the bargaining table and meet worker demands.

- A **work-to-rule** is when workers do no more than the minimum required by the rules of their contract, following the "letter of the law," in an effort to slow productivity. This approach may include taking full breaks, ending shifts at the end of the day, and/or refusing voluntary duties.
- A **sit-down strike** is where workers remain inside their place of employment, occupying the workplace – refusing work and refusing to allow others to work until demands are met.
- A **sympathy strike** is a work stoppage by all workers in a bargaining unit, expressing solidarity with striking workers in another bargaining unit.

- A **rotating strike** (also called a **rolling strike**) is when some, but not all, of a union's bargaining unit members go on strike; a series of surprise work stoppages at certain strategic locations (i.e. at one college on Monday, another college on Tuesday).
- An **unfair labour practice (ULP) strike** is a form of job action aimed at compelling the employer to cease committing what the union believes to be an employer's illegal, unfair labor practices (e.g. not bargaining in good faith, interfering in union business).
- A **wild cat strike** is an unauthorized work stoppage that occurs outside the terms of current law, an existing collective agreement, and/without the union's support. Wild cat strikes are often done with little notice and leverage the element of surprise. See also: the 1999 Saskatchewan nurses strike, the 2020 Alberta healthcare strike.
- A **scab**, also known as a **strikebreaker**, refers to people in the striking bargaining unit who continue to perform work duties during a strike. The act of working during a strike is also known as **crossing the picket line**. This undermines the power of a strike and can drag it out by reducing leverage.
- A **lock-out** occurs when an employer exercises their legal right to prevent all workers in a bargaining unit from working while they are in a legal strike position.