

Workplace Power: Elements of Collective Bargaining



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IT'S ABOUT WORKPLACE POWER

Collective bargaining is all about “limiting management rights”. Unless workers have the protection of a collective agreement, management has a free hand to do virtually anything they please. Only the laws of the land would be a limitation, but even then, if there is no union to act as a watchdog, even the laws of the land can be ignored. With every word and every clause of the collective agreement, we are defining what management can and cannot do.

IT'S ABOUT PEOPLE POWER

CAW bargaining starts and ends with our members. They raise the individual concerns as well as the collective issues which become the bargaining proposals that gear us up for negotiations. Elected bargaining committees work with CAW National staff and lead the bargaining process but it is the support of our membership and their determination that is the key to making progress. Although the elected bargaining committees lead the bargaining, acceptance or rejection of the collective agreement rests with the members.




THE WHO'S WHO IN COLLECTIVE BARGAINING


MEMBERSHIP Informs leadership of bargaining concerns and priorities through proposals, surveys and meetings.

DISTRICT OFFICERS Openly encourage participation from the membership and provide direct and unbiased feedback to the bargaining committee. Acts as a liaison between the membership and the bargaining committee.


BARGAINING COMMITTEE Solicits and collects data through informal discussions, (example: coffee sessions) surveys and proposal meetings. Keeps leadership informed through ongoing communication and bulletins to membership. Researches and develops proposals based on past grievance hearings and union-management meetings.




VICE PRESIDENT Arranges regular district meetings as a vehicle to educate and communicate with membership at large. Acts as a liaison between the bargaining committee and the district chairperson, ensuring that the membership is kept informed.



NATIONAL STAFF REPRESENTATIVE One staff representative is attached to each unit. They chair bargaining meetings and utilize CAW National resources, calling upon different experts as required (for example: legal, economic, pension), throughout the bargaining process.



LOCAL EXECUTIVE ASSISTANT Assists the National staff representative to negotiate collective agreements, working as a resource to the district chairpersons and bargaining committees. Coordinates bulletins to the membership and organizes meetings.



PRESIDENT Co-chairperson of all unit bargaining committees, overseeing all elements of negotiation and leadership within the bargaining process.



STEPS IN THE COLLECTIVE BARGAINING PROCESS

The Union issues a **notice to bargain** a new collective agreement to the employer. Notice to bargain may be given either 90 days, or four months prior to the expiry of a contract, depending on whether the bargaining unit falls under provincial or federal jurisdiction. The bargaining committee or the executive assistant communicates this, through the website, to the membership.

The bargaining committee and executive assistants (where applicable), meet to review contractual language in order to highlight possible amendments or editorial changes.

A survey is developed and distributed to the membership for feedback.

Proposal meetings are held with the membership to discuss the results of surveys and to offer the bargaining committee and the CAW National's

perspective as to contractual priorities. The membership present their proposals, expressing support for certain changes or demands and then subsequently vote on the debated proposals.

The culmination of these steps formulates the bargaining committee's mandate which determines proposals that the union will submit to the company.

On the first day of collective bargaining, proposals are exchanged and future dates for bargaining are agreed to.

Once a tentative agreement is reached, ratification meetings will take place as soon as possible. An information blackout is maintained until the district leadership has been advised of the details. This is to ensure that an accurate explanation of the agreement is presented to the membership.

A CAW contract highlight report is prepared and made available at the ratification meetings. This summarized document captures all of the negotiated changes to the collective agreement.

The presentation of the report may vary according to the time that is available for its production.

The tentative agreement is voted on and either ratified (50 per cent - plus one) or turned down.



When time available for bargaining runs out and no tentative agreement is reached, strike action is initiated. A strike vote must have 2/3's support of all those voting. The Federal Code requires a mandatory strike vote and 72 hours notice of a strike. A strike vote must occur within 60 days of the start of the strike.

**Time lines may vary for some units, depending on contractual legislation.*

The 'climate' of the negotiations will determine when the actual strike vote will take place; the timing of the vote must be strategic because of the notification requirements.

Before workers can strike, they must go through conciliation procedures. The union must file a **notice of dispute** under Section 71 of the Federal Code. A conciliation officer, appointed by the Minister of Labour, meets with both sides in an attempt to resolve their differences. The employer may not lock-out members and the union may not strike until certain conditions are met, including the passage of 21 days after the conciliation officer has reported to the Minister, or the Minister has released the conciliation officer's report.

Until these conditions are met, the terms and conditions of the collective agreement remain as they are written.



After a time on strike, a new tentative agreement is reached, a CAW Highlights report is prepared and the agreement is brought to the members for ratification.

EARLY BARGAINING

Sometimes an employer may not be able to secure contracts for work with buyers of the product or service unless they can show that they have a collective agreement in place. They might propose bargaining a new contract well before the current contract expires.

We may agree to early bargaining if it enhances our bargaining power and our chances of getting a good settlement. If early bargaining doesn't work for us, we can still set a strike deadline.





GETTING THE MESSAGE ACROSS

Everyone has their own style of communication; we can sing different tunes as long as we harmonize our voices. It is important to display unity by supporting one another and presenting a strong and disciplined front to the company. As the bargaining process unfolds, the bargaining committee will keep members updated on developments. However, it is important to note, that in order to protect the integrity of the negotiations, the committee can not discuss *specific details* with the membership while in collective bargaining. Particulars of a tentative agreement are clarified at ratification meetings.



PROGRESS OVER TIME

The continuous undermining of the labour movement has created a hostile environment for collective bargaining. Yet, in spite of these challenges we are determined to make gains on the foundation of our past accomplishments.

Collective Agreements embody the past, present and future. They are covenants through which we try to keep the faith with those who have gone before us and express our commitments to those who come next. We are trying to raise the standard for all working people, including future generations. We measure our success, not by any one round of bargaining, but in progress over time. Even in tough times, we can continue to make progress, on the strength of a mobilized membership and strong leadership.