

UWOFA Librarians and Archivists Bargaining Bulletin

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Strike 101: Key Concepts for Librarians & Archivists

The collective bargaining or negotiating process requires careful and extensive preparation. Part of this preparation is the formation of the Strike Services Committee. While no union enters into negotiations with the intention of a strike (or lock-out), UWOFA-LA would be remiss in its duty to protect its Members by not planning for such action. Strike preparedness also sends a strong message to the employer about the unity and conviction of members of the bargaining unit.

What is a Strike?

Legal strike action is the right of workers to withdraw services or refuse to work or continue working with the common purpose of compelling an employer to agree to terms or conditions of employment. Strike action forms an integral part of the collective bargaining process and is used as the Association's ultimate weapon in achieving its bargaining goals. It is not, however an end in itself but rather a means to obtaining a fair and equitable collective agreement.

Legal strike action is a last resort and is not something that happens overnight or without member consultation.

What is a Lock-Out?

A lock-out occurs when the employer denies access to the workplace in order to compel a settlement to contract negotiations in favour of the employer.

What is a Strike Vote?

A strike vote is a vote taken among employees in a unionized workplace authorizing a strike. If successful, it provides the Union with a strike mandate.

A strike vote is NOT a vote on whether or not to actually call a strike. Rather, it is a vote by the membership on whether to give the UWOFA Board the authority to call a strike if and when the Board concludes that such a step is necessary to reach an acceptable agreement. A majority vote is sufficient to pass a strike vote. *The stronger the vote, the less likely a strike may be, as this alerts the employer of the collective strength and resolve of its membership.* In fact, a YES vote, with a strong mandate is the best way to secure a fair and equitable collective agreement **without a strike.**

As recently as last year both Brock and Guelph reached fair collective agreements after very positive (more than 80% in both cases) strike votes.

What is a Strike Mandate?

A strike mandate is the authority, given by the employees affected through a strike vote, for strike action.

Does a Strike Mandate lead to a strike?

In most cases, NO. Often a strike mandate alone is sufficient to get the Employer to take the Union seriously in negotiations.

There is an extensive process that must occur before the Union would take a strike position. Several steps must occur in the event that negotiations fail: first, the Association, the Employer, or both would have to apply for conciliation; second, a conciliator would be appointed and conciliation dates agreed to; third, conciliation meetings

would occur in the attempt to reach an agreement; fourth, conciliation would have to fail; fifth, the conciliator would have to issue a “no Board report” (indicating that a Conciliation Board should not be appointed); and sixth, a seventeen day waiting period would occur. After all of that, the UWOFA Board could call a strike if and when there seemed to be no other way to reach a collective agreement, or the Employer could lock out members. Strike or lock-out does not happen overnight; there is plenty of advanced warning and significant planning involved.

What is Conciliation?

If negotiations reach a stalemate, either an employer or a union may ask for third-party assistance, including conciliation. Conciliation is the process by which a facilitator appointed by the Ontario Ministry of Labour acts as a broker between the opposing parties in order to restore communication and ultimately reach a settlement. The process is non-binding, but is required by provincial law before a strike or a lock-out. If conciliation fails, the parties must wait seventeen days before engaging legally in a strike or a lock-out.

How much is Strike Pay?

UWOFA-LA members receive financial support while on strike in the form of Strike Pay. These non-taxable funds are made available through the UWOFA Collective Bargaining and Grievance Reserve Fund and are distributed only to those members who perform strike duty such as picket duty or other equivalent work for the strike headquarters. There is also some protection of members' benefit plans through this fund. In 2006, UWOFA's Strike Fund was able to plan for approximately \$100 per day per employee while on strike.

Do I need to be worried about a possible strike or lock-out?

At this stage, no. You should, however, become familiar with the vocabulary and practice of legal strike action, and learn about the issues at stake. While a strike is unlikely, it is always important to be financially prudent and to plan ahead.

In the history of UWOFA's collective bargaining, there has never been a strike, and lock-out has only happened twice at Canadian universities in the last 35 years.

Comments or Questions? Please contact your Strike Services Committee: Marisa Mitchell, John Lutman, Denise Horoky, John Fracasso, Mike Dawes, Courtney Waugh, and Walter Zimmerman.

Negotiating Priorities Survey

The Negotiating Team needs your input about which negotiating goals matter most to you! In the Priorities Survey, you will have a chance to:

1. Rate the importance of selected goals
2. Tell us your top five priorities for negotiations
3. Provide any other comments about goals or priorities

Please take 15-30 minutes to fill out the survey and let us know what is important to you.

[https://www.surveymonkey.com/s.aspx?sm=8MCL_2fgFH1rm5SLhnCPjX_2bQ_3d_3d]

The survey will be available until May 8.

Canadian Association of University Teachers (CAUT). (1996)

Manual on Legal Strike Action for Faculty Associations. Ottawa: Canadian Association of University Teachers.

University of Western Ontario Staff Association (UWOSA). (2004).

Frequently Asked Questions Regarding Strike Vote & Strike Mandate. Retrieved March 21, 2009

<http://www.uwosa.ca/files/FAQs/Strike%20Vote%20Strike%20Mandate.pdf>