

# UWOFA

## Bargaining Bulletin

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### UWOFA to Call for Conciliator

On, July 14, 2010, following 27 bargaining sessions (nineteen at the main table and eight at the side-table on part-time issues), Chief Negotiator Mike Dawes notified the UWO Administration that UWOFA intends to ask the Ontario Ministry of Labour to appoint a conciliator.

#### What is conciliation?

The role of the conciliator is to confer with the parties and endeavour to reach a collective agreement, but he/she has no authority to impose a settlement. Therefore, conciliation should not be confused with arbitration, which is a quasi-judicial process in which a third party assesses the parties' positions and imposes a binding settlement. In order for arbitration to take place, the parties would have to agree. In the past, UWOFA has often proposed arbitration but the Administration has refused.

#### Why have we decided to ask the Ministry for conciliation services?

The request for a conciliator does not signal an unwillingness to negotiate, nor is it a declaration of impasse. In recent years, conciliation has been a normal part of collective bargaining. It is a service provided by the Ministry at no cost and it is aimed at facilitating an agreement. Either side may call for a conciliator at any time after notice of desire to bargain has been given. This occurred in early April.

The UWOFA Board authorized the Negotiating Team to call for conciliation once it became apparent that the Administration's proposals on core articles of our Collective Agreement contained far-reaching changes of a nature not found in any agreement at another university in Canada and that were highly detrimental to the conditions under which we teach, research, and engage our professions. This step was not taken lightly or automatically; it followed extensive consultation both within and outside this university.

#### What happens next?

There are three paths to a Collective Agreement using conciliation services. First, the two parties could come to an agreement through conciliation. Second, the parties could agree to renew negotiations after some conciliation sessions with the possibility of returning to conciliation at a later time. And, finally, the conciliator could file a "no board" report if he/she determines that the two sides are unable to reach an agreement. Seventeen days after the conciliator files a "no board" report with the Ministry, a lockout or strike is legally possible. While there are no further requirements for an employer to meet before it can lock out its employees, a strike requires a strike vote by Members of the Bargaining Unit. Such a vote may be held at any time after 30 days before the end of the current Collective Agreement. In our case, that would mean any time after the beginning of June. Eventually, one of these three paths will lead to a Collective Agreement.

The negotiating teams for UWOFA and the Administration will take a pre-scheduled break from July 15 - August 15. When they return, we expect negotiations to proceed as scheduled. UWOFA will continue to support Western's community of scholars by resisting the Administration's attacks on academic freedom, collegiality, and self-governance. We will continue to negotiate for better teaching and research conditions for our colleagues. And we will remain committed to good faith bargaining.

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