

APUO BARGAINING BULLETIN

EMPLOYER IS OPEN TO APUO'S OFFER ON MEDIATION?

As we have outlined in the last several bulletins, negotiations have entered a new and more complex phase since the employer filed for conciliation on June 7. A conciliator is about to be appointed, and the strict legal timeline of conciliation will unfold the first time the conciliator shows up to meet the negotiating teams. That timeline is leading us ultimately to either: (1) a lockout, (2) a unilateral re-writing of the collective agreement by the employer, or (3) a strike, to avoid the employer changing our working conditions and our compensation (including pension plan). This is a significant change from past employer bargaining practices, since in past rounds it dragged out negotiations for as long as 18 months, even though the APUO was willing and ready to conclude them much more quickly.

Contrary to the employer's claim, using conciliation to force a conclusion to negotiations after only 2 months is not the standard practice at this university (it has never been used before between the employer and APUO). In the APUO's view, taking such an unusual step introduces unnecessary complications and a counterproductive timeline, especially when dealing with issues complex and technical like pension plan reform (unexpectedly brought by the employer at the negotiating table).

As mentioned in previous communications, the APUO is committed to negotiating a fair and reasonable agreement at the table, and has informed the employer on more than one occasion that our team could not responsibly enter into the conciliation process until mid July, at the earliest (due to the availability of our external conciliation expert, CAUT's Peter Simpson, and the preparation time needed together). We have also proposed to the employer that bargaining at the table continues as planned in June and July, and that, in the absence of an agreement, we try mediation before the formal conciliation process begins (see the next page for details on the fundamental differences between the two processes). Initially, the employer refused. This week, however, the employer suggested it would now be open to mediation.

While the APUO appreciates the employer's apparent openness to accept our offer for mediation, the specific details of the proposal need to be improved: the employer has proposed mediation *after* conciliation (which seems hardly conducive to a negotiated settlement at that point), under a timeline that remains too restrictive. The APUO will propose, either this Friday or next week, a timeline that we believe to be more conducive to achieving a negotiated settlement at the table, while avoiding unnecessary and counterproductive constraints on the negotiating process.

DON'T FORGET!

There will be a Special General Assembly Wednesday July 3 2013, from 9:00 AM to 12:00 PM, in the Marion Hall Auditorium (140 Louis Pasteur) to take stock of these latest developments and discuss what will come next. Please put this date in your agenda immediately, and bring as many members as you can!

QUICK FACTS ON MEDIATION

- Like conciliation, mediation involves the active presence of a third party;
- Contrary to conciliation, mediation cannot be imposed by one party on the other party, but needs the mutual consent of both parties to happen;
- Contrary to conciliation, where the third party (the conciliator) is appointed directly by the Ministry of Labour, the mediator has to be chosen by both parties;
- Contrary to conciliation, which comes with a strict legal timeline ultimately leading to: (1) lockout, (2) strike, or (3) unilateral rewriting of the collective agreement, mediation can last for as long as both parties find it constructive and productive, without any firm deadline or undue pressure;
- Mediation can precede or follow conciliation, but it cannot trump it once one party has filed for conciliation.

QUICK FACTS ON CONCILIATION

Once a party has applied for conciliation:

- The Minister of Labour appoints a conciliator to help the parties resolve their differences and reach a collective agreement. It can take between 10 days to a few weeks for the conciliator to be available.
- The conciliator attends at least one bargaining session in an attempt to reach an agreement but will assist for as long as both parties find it constructive and helpful.
- If one or both parties conclude that conciliation is not working, the Minister files a No-Board report as soon as requested by one party. Once the No-Board has been issued, there is a period of 17 working days (during which intensive negotiations are still possible) at the end of which: 1. the members begin a strike action; 2. the employer imposes a lock out; or 3. the employer unilaterally re-writes the collective agreement.
- Conciliation does not inevitably lead to one of the three previous scenarios, but it would be irresponsible for APUO not to prepare itself for the possibility of strike, if only because a strike could prevent the employer from locking employees out or unilaterally re-writing the collective agreement.

REMINDER TO MEMBERS

If you haven't already done so, please share your contact information using APUO's online form to ensure that we can stay in touch at <http://fluidsurveys.com/s/apuo1/>