

collective BARGAINING

ONTARIO ENGLISH
**Catholic
Teachers**
ASSOCIATION

COLLECTIVE BARGAINING MEMORANDUM # 13

DATE June 4, 1998
TO Unit and Affiliate Presidents
FROM Collective Bargaining Department
SUBJECT Understanding Conciliation

Under the Ontario Labour Relations Act, the parameters for proceeding to conciliation are different than under the former Bill 100 fact finding and mediation.

In order to understand the complete process, the Collective Bargaining Department has outlined the process using a series of questions and answers.

1. Who applies for a conciliation and when can this happen?

The Board or the Provincial Association applies. The application can be made at any time after notice to bargain has been served. (S. 18(1)) Notice to bargain was deemed to have been given to all Catholic District School Boards (CDSB) through Bill 160.

2. How long does it take to appoint a conciliator?

The Ministry Of Labour (M.O.L.) will appoint a conciliator as soon as possible; usually within five (5) days after the application has been received at the M.O.L. However, due to the current strike in the construction industry, there is a backlog for the appointments of conciliators. This is likely to lengthen the usual five (5) day span for the appointment.

The Ministry Of Labour (M.O.L.) may not appoint a conciliation officer where notice to bargain has not been served or an objection has been raised.

3. When can the Local Bargaining Unit take a strike vote?

A strike vote can be taken one day after the appointment of a conciliator or 30 days prior to the expiration of the collective agreement. (S 79. (3)(4))

4. What happens after a conciliator is appointed?

The conciliator will contact the Board and the Association with respect to dates and direction for negotiations.

5. Will the conciliator meet with the parties immediately?

It is the duty of the conciliator to meet with the parties within 14 days of his or her appointment and then report the result of these endeavors to the Minister. (S 20.(1))

6. Can this time frame be extended?

The time frame can be extended by agreement of the parties or by the Minister upon the advice of the conciliation officer.

This means that although the conciliation officer has been appointed, his or her services may not be engaged immediately. The parties may wish to continue to meet away from the conciliation officer until such time that they believe the negotiation process may be more conducive to third party intervention.

7. Why should the application be submitted to the Ministry Of Labour (M.O.L.) if the parties are not ready to use the services?

In order to provide for all venues in the bargaining process within a strategic timeframe, such as votes and a "no board" report, the conciliation officer must be appointed.

8. What is a "no board" report? What is its significance?

A "no board" report results from either party requesting the conciliator to report that an impasse has been reached. The Minister of Labour will indicate to the parties that a conciliation board will not be appointed; thus creating a "no board" report.

A "no board" report means that the employer can lockout the teachers and the teachers can go out on strike. It also means that no collective agreement is in effect.

9. Are the teachers compelled to take a strike vote when a conciliation officer is appointed?

No. The call for a strike vote can be at any time after the conciliator is appointed.

10. How can the employer or the Association get a “no board” report?

In order to get a “no board” report, the conciliator and the parties must have met at least once.

11. When can the Board change the terms and conditions of employment?

The Board has the right to change the terms and working conditions fourteen (14) days after the Minister has issued a “no board” report. This period is usually sixteen (16) days, thus allowing for processing and delivery of notices.

There is no collective agreement in effect after a “no board” report.

12. When can teachers go on strike ?

Teachers have the right to go on strike fourteen (14) days after the Minister has issued a “no board” report.

13. How much notice is the Association required to give the Board to commence a strike?

The Association is not required to provide any minimum notice. It would be a good exercise in communications and public relations. In addition it would be considerate to the parents and students to provide notice for safety and daycare arrangements.

The Board will be well aware of your right to strike and the timeframe.

14. Can a strike commence prior to September?

A strike can commence at any time after the “no board” report has been issued and the required time period has elapsed. This includes July and August.

15. Why is it important to have your vote in place prior to September?

It is important for all parties to know that there is a mandate for the positions that the teachers are taking. It is also important for the Board to understand that any changes in working conditions will result in a sanction from the teachers.

16. Can the teachers go on strike in September if the Minister has not issued a “no board” report?

No. Teachers are only able to strike under the Ontario Labour Relations Act (OLRA), fourteen (14) days after the “no board” report has been issued.

The corollary is that the Board cannot lock out or change the collective agreement until a “no board” report has been issued.

17. Who will apply for conciliation?

If the Association and the Local Bargaining Unit decide to proceed to conciliation, the provincial office will make the application with copies to all the affected parties.

If the Board applies, copies will be sent to the Provincial Association and the local presidents and/or chief negotiator.