## **Index**

#### **ABSENTEEISM**

See ATTENDANCE

#### ACCREDITATION

See CERTIFICATION; CONSTRUCTION INDUSTRY

#### ADOPTION LEAVE

See MATERNITY, ADOPTION AND PARENTAL LEAVE

#### AGE

See DISCRIMINATION

## ALCOHOL AND DRUG TESTING

See also DISCIPLINE AND DIS-CHARGE

CHARGE
Arbitration cases, § 32:4, § 32:5
Collective agreement, § 32:11

Discipline and dismissal, § 32:3, § 32:12

Drafting check-list, § 32:13

Human rights legislation, § 32:3

Policies, § 13:10

Pre-employment testing, § 32:6

Reasonable cause testing, § 32:8

Return to work, § 32:9

Rule-making power, § 32:11

Sample clauses, § 32:1

#### ANCILLARY DOCUMENTS

See also COLLECTIVE AGREE-MENT

Generally, § 39:1 to § 39:4 Benefit plans, § 30:9

#### APPRENTICES

Generally, § 17:5

### ARBITRATION

See also REMEDIES

#### ARBITRATION—Cont'd

Access to, § 9:6, § 36:3

Arbitrator, appointment of

generally, § 36:11

ad hoc appointments, § 36:12

agreed list, § 36:13

standing board, § 36:14

#### Clause

generally, § 36:2

access to, § 36:3

adequacy of, § 36:3

requirement of, § 36:3

Collective agreement, enforcement, § 36:3

Compulsory, § 36:3

Drafting check-list, § 36:17

Expedited procedures, § 36:1,

§ 36:16

First agreement, § 8:21, § 8:22

Procedure, § 36:3, § 36:7, § 36:11

Sample clauses, § 36:1

Status during bargaining, § 9:6

Statutory expedited access

generally, § 36:16

collective agreement time-limits,

§ 36:16

procedure, § 36:16

provincial variations, § 36:16

## ARBITRATION BOARDS

Judicial review

see JUDICIAL REVIEW

Powers, § 36:15

Selection, § 36:11

#### ASSIGNMENT OF WORK

See WORK ASSIGNMENT

## **ATTENDANCE**

Absence, § 29:4

#### ATTENDANCE—Cont'd

Attendance plans, § 29:7 Canada Labour Code, § 29:7 Child care, § 29:5 Drafting check-list, § 29:8 Human rights, § 29:7 Illness, § 29:5 Incarceration, § 29:5 Reasonable excuse, § 29:5 Sample clauses, § 29:1 Tardiness, § 29:3

### BARGAINING

See NEGOTIATION

### **BARGAINING UNIT**

Accretion, § 12:13 All-employee unit, § 12:6 Bargaining unit work see WORK ASSIGNMENT Certificate, § 12:12 Contracting out of, § 12:6 see also CONTRACTING OUT Definition, § 12:3 Employees excluded generally, § 12:6 to § 12:12 confidential capacity, § 12:10 managerial, § 12:7 office and clerical, § 12:11 supervisors and foremen, § 12:8 temporary, casual or part-time, § 12:9

Employees included, § 12:6 Geographical boundaries, § 12:4 Multiple locations, § 12:5 Successorship, § 12:14 Voluntary recognition, § 12:15

## **BATNA**

See BEST ALTERNATIVE TO A NEGOTIATED AGREE-MENT

#### BEHAVIOURAL THEORY

Generally, § 4:1 to § 4:5, § 6:14

## **BENEFITS**

See also HOLIDAYS AND HOLIDAY PAY; ILLNESS AND DISABILITY; INSURANCE AND WELFARE PLANS; OVERTIME; PENSION PLANS; PREGNANCY; SEVERANCE PAY; VACATION See BEREAVEMENT LEAVE; CALL-IN PAY; COST OF LIVING ALLOWANCE; EMPLOYMENT STANDARDS LEGISLATION

### BEREAVEMENT LEAVE

See also LEAVE OF ABSENCE Generally, § 20:1, § 20:7

# BEST ALTERNATIVE TO A NEGOTIATED AGREEMENT Generally, § 4:13, § 6:49, § 6:62

## BOARD OF ARBITRATION

See ARBITRATION BOARDS

## **BOYCOTTS**

See PICKETING

### **BUMPING**

See LAY-OFF; SENIORITY

#### BUSINESS

Closure, § 9:35 to § 9:41
Sale, lease or transfer, § 9:40,
§ 12:14
Transfer, § 9:35 to § 9:41

#### CALL-IN PAY

Generally, § 16:7, § 16:8

## CANADA PENSION PLAN

Generally, § 1:6, § 28:3, § 30:11

## CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Generally, § 5:1

Application and enforcement,
 § 9:29 to § 9:34, § 14:14,
 § 30:4, § 36:4

#### CERTIFICATION

Generally, § 4:12, § 38:2

## CHANGE IN METHOD OF OPERATIONS

See also JOB CLASSIFICATIONS AND DESCRIPTIONS; WORK ASSIGNMENT

Management rights

see MANAGEMENT RIGHTS

Technological change

see TECHNOLOGICAL CHANGE

## **CHECK-OFF**

See DUES

## CLASSIFICATION

See JOB CLASSIFICATIONS AND DESCRIPTIONS

## **CLEAN-UP TIME**

Generally, § 16:10

## CLOSURE OR TRANSFER OF BUSINESS

Generally, § 9:35 to § 9:41

## CLOTHING, TOOLS AND EQUIPMENT

Cleaning and maintenance, § 33:4 Drafting check-list, § 33:7 Loss and abuse of, § 33:5 Provision of, § 33:3 Sample clauses, § 33:1 Storage, § 33:6

## **COLLECTIVE AGREEMENT**

Administration, § 4:14 Amendments, § 39:2, § 39:3

Automatic renewal, § 9:4, § 38:3

Avoidance, contracting out, § 26:3

Did i

Bridging, statutory provisions, § 9:4 Bridging and automatic renewal,

§ 9:4, § 38:5

Company rules, § 32:11

Discipline clause, § 13:9

Drafting, § 10:1 to § 10:9

## COLLECTIVE AGREEMENT —Cont'd

Duration, § 3:15, § 38:2

Enforcement

see ENFORCEMENT OF COL-LECTIVE AGREEMENTS

Form and content

amendments

see LETTER OF

UNDERSTANDING

ancillary documents

see ANCILLARY DOCU-MENTS

company rules, § 32:11

pension, insurance and welfare plans

see INSURANCE AND

WELFARE PLANS; PENSION PLANS

supplementary agreements

see LETTER OF

**UNDERSTANDING** 

Freezes during bargaining, § 9:5

Grievance arbitration

see ARBITRATION

Individual contracts of employment

see EMPLOYMENT CONTRACT

Letters of understanding

see LETTER OF

**UNDERSTANDING** 

Mid-contract change, § 38:2, § 39:2

Negotiation

see NEGOTIATION

Objectives, § 11:1

Operation of provisions during

freeze

see FREEZES

Purpose, § 11:1

Ratification, § 6:64, § 9:3, § 39:2

Recognition clause, § 9:4, § 12:1 to

§ 12:16

Renewal, § 9:4

Technological change

see TECHNOLOGICAL

**CHANGE** 

#### COLLECTIVE AGREEMENT COLLECTIVE BARGAINING —Cont'd -Cont'd Termination Management issues, § 5:8 generally, § 9:2 to § 9:7, § 38:2, Models for, § 2:14 to § 2:17 § 38:6 National bargaining, § 9:8 drafting check-list, § 38:8 Negotiation impact of, § 38:7 see NEGOTIATION notice of, § 38:4 Objectives of, § 5:1 Term of operation, § 38:2 Phases of, § 6:3 to § 6:7 sample clauses, § 38:1 Preparation for wage re-opener clause, § 38:2 generally, § 5:1 to § 5:18 Union security bargaining team, § 5:13 generally, § 15:2 check-lists, § 5:18 clause enforcement, § 15:2, database, § 5:17 § 15:3 external data, § 5:4 drafting check-list, § 15:5 input from stakeholders, § 5:6 religious exemption, § 15:4 internal information, § 5:5 sample clauses, § 15:1 opponents, § 5:3 statutory clauses, § 15:2, § 15:3 strategy, § 5:10 to § 5:12 Validity, § 9:3 value of preparation, § 5:2 Tactics, § 9:1 to § 9:49 COLLECTIVE BARGAINING Union issues, § 5:9 Bargaining team, § 5:13 to § 5:16 Check-lists, § 5:18 COMMUNICATIONS WITH management, § 5:18 **EMPLOYEES** union, § 5:18 Generally, § 9:42, § 9:43 Costing of proposals, § 7:1 to Union communications and buttons, § 7:14 § 9:43 Database, § 5:17 COMPANY RULES Duties See also MANAGEMENT fair representation, § 2:19 **RIGHTS** good faith, § 8:1 to § 8:24 Generally, § 13:5 Employment law, § 1:1 to § 1:32 Essential prerequisites for, § 6:2 COMPASSIONATE CARE LEAVE Impasse, § 9:2 to § 9:7 Generally, § 20:5 Industry bargaining, § 9:8 COMPULSORY OVERTIME Legislation, § 1:31 See also DISCIPLINE AND DISpurpose of, § 1:5 to § 1:31 CHARGE; OVERTIME Legislative responsibility, § 1:5 to Generally, § 16:11 § 1:31 constitutional basis, § 1:5 to COMPULSORY RETIREMENT § 1:31 Generally, § 13:15, § 14:6 provincial involvement, § 1:5 to CONCILIATION § 1:31 Local bargaining, § 9:8 See MEDIATION

#### CONSTRUCTION INDUSTRY

Bargaining structure, § 3:5
Employers' organizations
generally, § 3:5, § 3:6
accreditation or registration,
§ 3:5
Alberta, § 3:5
British Columbia, § 3:6
Canada Labour Code, § 3:6
Ontario, § 3:6
other provinces, § 3:6
Union security, § 15:2

#### CONTRACTING OUT

See also MANAGEMENT RIGHTS; WORK ASSIGN-MENT

clauses to ensure, § 15:2

Generally, § 9:39, § 12:6, § 13:14, § 26:1 to § 26:10

Defined, § 26:3

Drafting check-list, § 26:10 Economic considerations, § 26:6

Notice of, § 26:5

Prohibition against, § 26:4 Sample clauses, § 26:1

Transfer of work, § 26:7

## CONTRACT LAW

Generally, § 1:4

## CORPORATE ORGANIZATIONS

Generally, § 3:2

36:5

## COSTING OF PROPOSALS

Generally, § 7:1 to § 7:14

## COST OF LIVING ALLOWANCE

Generally, § 37:1, § 37:3

#### COURTS

Judicial review
see JUDICIAL REVIEW
Jurisdiction in regulation of labour
disputes, § 9:21
Jurisdiction where claim based on
collective agreement, § 36:4 to

#### DAMAGES

See also REMEDIES
Generally, § 8:18
Against individual employees,
§ 9:19, § 9:20, § 9:30
Failure to bargain, § 8:18
Union liability, § 9:19, § 9:20

#### DELAY

See TIME-LIMITS

#### **DEMOTION**

See DISCIPLINE AND DIS-CHARGE; PROMOTION, DEMOTION AND TRANSFER

## **DEPARTMENT**

Lay-off within, § 23:12

## **DEPENDENT CONTRACTORS**

Generally, § 17:7
Contractors and employers, § 17:8
Dependent versus independent,
§ 17:7, § 17:8

Employees, distinction, § 17:8 Sample clauses, § 17:1 Status, § 17:8

## DISABLED PERSONS

See HUMAN RIGHTS; ILLNESS AND DISABILITY

## **DISCHARGE**

See DISCIPLINE AND DIS-CHARGE; TERMINATION

#### DISCIPLINE AND DISCHARGE

Generally, § 13:9

Absence of just cause provision, § 13:9

Alcohol and drug abuse, § 32:3

Company rules, § 13:5

Grounds for

absence from work, § 13:9, § 29:4

failure to notify employer, § 13:9, § 29:4

#### DISCIPLINE AND DISCHARGE DISCRIMINATION—Cont'd —Cont'd Nepotism, § 14:15 Grounds for—Cont'd Non-discrimination clauses, § 14:1, absence from work, § 13:9, § 14:2 § **29:4**—Cont'd Political beliefs, § 1:8 to § 1:20, illness or disability § 14:17 see ILLNESS AND DIS-Race, § 14:1, § 14:2 **ABILITY** Religion, § 14:12 incarceration, § 29:5 Retirement, § 14:6 abuse of leave of absence. § 13:9 Sex, § 14:7 alcoholism. § 13:9 equal pay for equal work, § 1:17, assault, § 13:9 § 14:8 carelessness, § 13:9 work assignment, § 14:9, § 14:10 conflict of interest, § 13:9 Sexual harassment, § 1:14, § 14:20 criminal convictions, § 13:9 Sexual orientation, § 1:8 to § 1:20, § 14:14 disability see ILLNESS AND DISABIL-Union activities or membership, § 14:18 failure to get along with fellow **DISPUTES** workers, § 13:9 See LOCK-OUT; STRIKE falsification of records, § 13:9 DISTRIBUTIVE BARGAINING fighting or threatening, § 13:9 See POSITIONAL BARGAINING illness see ILLNESS AND DISABIL-DRUG AND ALCOHOL POLICIES ITY See ALCOHOL AND DRUG insolent behaviour or obscene **TESTING** language, § 13:9 DRUG TESTING insubordination, § 13:9 See ALCOHOL AND DRUG lateness, § 13:9 **TESTING** leaving work without permission, § 13:9 DUES refusal to obey instructions, Generally, § 15:1, § 15:4, § 15:6 § 13:9 Check-off, § 15:1, § 15:6 unlawful strike, § 9:23 Deduction of work performance, § 13:9 generally, § 15:1 Warning, § 13:9 contribution to charity, § 15:4 religious exemption, § 15:4 DISCRIMINATION requirement, § 15:6 Drafting check-list, § 15:7 mandatory retirement, § 14:6 Drafting check-list, § 14:23 **DUTY OF FAIR** REPRESENTATION Grounds, § 14:5 Harassment, § 14:1, § 14:21 Generally, § 2:19, § 36:9 Illness or disability, § 1:16, § 14:13 Grievances Marital status, § 14:15 see GRIEVANCE

#### **DUTY TO BARGAIN**

Generally, § 8:2

Anti-union animus, § 8:8

Bargaining order, § 8:17

Business relocation and, § 8:23

Change in position, § 8:7

Communication with employees, § 8:4, § 8:5

Compensation for breach of, § 8:18 Disclosure, § 8:9

purpose of, § 8:9

solicited, § 8:11

unsolicited, § 8:12

Explanation of positions, § 8:5

Failure to meet at all, § 8:3

First agreements, § 8:21

Good faith and reasonable efforts, § 8:1 to § 8:3, § 8:22

Hard versus surface bargaining, § 8:13

History, **§ 8:1** 

Illegal clauses, § 8:6

Impasse, § 8:15

Inflammatory proposals, § 8:7

Misrepresentation, § 8:10

Negotiators with authority and time, § 8:3

Plant closure, § 8:18, § 8:23

Rational discussion, § 8:5

Reasonable efforts, § 8:2, § 8:3

Recognize union, § 8:4

Remedies, § 8:16

Strike or lock-out, § 8:15

United States, § 8:1

## EDUCATION AND EXPERIENCE

See JOB POSTING; PROMO-TION, DEMOTION AND TRANSFER; SKILL AND ABILITY

## EDUCATION AND TRAINING LEAVE

Generally, § 20:1, § 20:9

#### **EMERGENCIES**

Generally, § 16:7

#### **EMPLOYEE**

Communications with, § 9:42, § 9:43

Damages against, § 9:19, § 9:20, § 9:30

Defined, § 12:6, § 26:3

independent contractor distinguished, § 12:6, § 17:7, § 17:8, § 26:3

Discharge during strike or lock-out, § 9:34

Employment status, § 9:28, § 9:34 Office and clerical, § 17:10

Probationary

see PROBATIONARY EMPLOYEE

Reasons for selecting job, § 6:53 Temporary, casual and part-time, § 17:4

## **EMPLOYEE ORGANIZATIONS**

Generally, § 2:13

## **EMPLOYER GRIEVANCE**

Generally, § 36:3

### EMPLOYER PROPERTY RIGHTS

Generally, § 9:32

## **EMPLOYERS**

Generally, § 3:1 to § 3:16

Change of, bargaining rights on, § 9:40, § 26:8

Freedom of speech
see FREEDOM OF SPEECH

## **EMPLOYMENT**

Changing terms of, § 9:2 to § 9:7

#### EMPLOYMENT BENEFITS

Generally, § 1:6, § 30:11

#### EMPLOYMENT CONTRACT

Generally, § 1:4

#### EMPLOYMENT LAW

Generally, § 1:4 History, § 1:4 Overview, § 1:5 to § 1:31

## EMPLOYMENT STANDARDS LEGISLATION

Generally, § 1:7, § 18:3, § 20:3
Compassionate care leave, § 20:5
Family medical leave, § 20:5
Group termination, § 23:9
Hours of work and rest, § 16:3
Lay-off, § 23:8
Maternity and parental leave, § 14:7, § 14:11, § 20:3
Minimum wage, § 21:3
Overtime, § 1:7
Pay equity, § 1:17
Severance pay, § 23:8, § 23:11
Statutory holiday pay, § 18:3
Vacations and vacation pay, § 19:3

## **EMPLOYMENT STATUS**

See EMPLOYEE

## ENFORCEMENT OF COLLECTIVE AGREEMENTS

Arbitration, § 36:1 to § 36:3, § 36:11 to § 36:16 Civil action, § 36:3, § 36:4 tort, § 36:4 Injunctions, § 9:18, § 9:21, § 36:4 Original jurisdiction of labour board, § 9:19 Prosecutions, § 9:22

## EQUAL PAY FOR EQUAL WORK

Generally, § 1:17, § 14:8

## ESSENTIAL SERVICES Generally, § 9:50

EXPEDITED ARBITRATION

## Generally, § 36:1, § 36:16 EXPULSION FROM UNION

Generally, § 9:46 to § 9:48, § 15:3

#### FAMILY LEAVE

Generally, § 20:1, § 20:5, § 20:9

#### FINES

Generally, § 9:49, § 15:3

#### FIRST OFFER

Making, § **6:9**, § **6:11** Responding, § **6:10** 

#### **FOREMEN**

See SUPERVISORS

## FREEDOM OF SPEECH

Generally, § 9:42, § 9:43 Employers, § 9:42, § 9:43 restrictions on, § 8:4, § 9:42, § 9:43

## **FREEZES**

Generally, § 9:5
After notice of desire to bargain, § 9:5

## **GOOD FAITH**

See also MANAGEMENT RIGHTS; REASONABLE-NESS

Contracting out, § 26:4
Duty to bargain, § 8:1 to § 8:3, § 8:22

Probationary discharge, § 17:3 scope of arbitral review, § 17:3 Reorganization of workplace, § 13:8, § 17:11

#### **GRIEVANCE**

Carriage of, § 36:8
Continuing grievance, § 36:7
Employee grievance, § 36:8
Employer grievance, § 36:3
Fair representation, § 2:19, § 36:9
Group grievance, § 36:3
Legislated requirement, § 36:3
Policy grievance, § 36:3
Procedure
see GRIEVANCE PROCEDURE
Sample clauses, § 36:1

#### GRIEVANCE—Cont'd

Settlement of grievance, § 36:3, § 36:10

Time-limits, § 36:3, § 36:7 Unfair representation, § 36:9 Union control of, § 36:8 Withdrawal of grievance, § 36:10

## GRIEVANCE ARBITRATION See ARBITRATION

## GRIEVANCE PROCEDURE

Communications privileged, § **36:3** Delay, § **36:7** 

Failure to reply, § 36:7

Sample clauses, § 36:1

Settlement, withdrawal or abandonment of grievance, § 36:10

Submission to arbitration, § 36:1, § 36:3

Time-limits see TIME-LIMITS Union control of, § 36:8

## HARASSMENT

See also DISCRIMINATION Generally, § 14:21

#### HEALTH AND SAFETY

See SAFETY

#### HEALTH PLANS

See INSURANCE AND WELFARE PLANS

## HIRING

Generally, § 1:9

## HOLIDAYS AND HOLIDAY PAY

Active employment, § 18:6 Drafting check-list, § 18:7 Employment standards, § 18:3 Holiday pay, § 18:2, § 18:4 Qualifying days, § 18:6 Sample clauses, § 18:1 Statutory holidays, § 18:3 Work on day of holiday, § 18:5

#### HOT CARGO CLAUSES

Generally, § 9:15, § 35:8

#### HOURS OF WORK

See WORKING HOURS AND SHIFTS

#### **HUMAN RIGHTS**

Generally, § 1:8 to § 1:20, § 31:7 Alcohol and drug testing, § 32:3 Application, § 1:8 to § 1:20, § 14:3, § 14:4

Arbitration process and, § 1:20
Bona fide occupational requirement, § 1:11, § 30:3, § 31:3, § 31:4, § 31:7

Discrimination, § 1:8 to § 1:20 Duty to accommodate, § 1:10, § 1:20, § 30:1, § 30:3 Employers and, § 1:12, § 14:3

Hiring, **§ 1:9** 

Illness and disability, § 1:16, § 29:7, § 30:3

Medical examinations see MEDICAL EXAMINA-TIONS

Non-discrimination clause, § 14:2 Pay equity, § 1:17 Scheduling of work, § 1:15 Sexual harassment, § 1:14, § 14:20 Sexual orientation, § 14:14 Trade unions and, § 1:12, § 14:3

#### ILLEGAL STRIKE

See STRIKE

## ILLNESS AND DISABILITY

See also HUMAN RIGHTS
Generally, § 1:16, § 14:13, § 30:2
Ability to do job, § 30:3, § 30:12
Absence from work, § 29:6, § 30:7
Alcoholism, § 32:3
Benefits
generally, § 27:5, § 27:8, § 30:8

generally, § 27:5, § 27:8, § 30:8 Canada Pension Plan, § 30:11

#### ILLNESS AND DISABILITY ILLNESS AND DISABILITY —Cont'd -Cont'd Benefits—Cont'd Rehabilitative potential, § 30:14 employment benefits, § 30:11 Return to work, § 30:13, § 31:6 see also INSURANCE AND Sample clauses, § 30:1 WELFARE PLANS: Severance pay, § 23:11 WORKERS' Sick leave, § 29:6, § 30:3 COMPENSATION see also LEAVE OF ABSENCE Burden of proof, § 30:6, § 30:12 Union's obligation, § 30:3 qualifying for benefits, § 30:8 IMPROPER WORK return to work, § 30:13 ASSIGNMENT Charter, § 30:4 See WORK ASSIGNMENT Deemed termination clause, § 30:15 Dismissal, § 30:12, § 30:15 INCARCERATION Drafting check-list, § 30:16 Explanation for absence from work, Duty to accommodate, § 30:3 § 29:5 Employer response, § 30:12 INCOMPETENCE alternatives to termination See DISCIPLINE AND DISgenerally, § 30:12 **CHARGE** absenteeism, § 30:12 INDEPENDENT CONTRACTORS employee assistance programs, § 30:14 See CONTRACTING OUT inability to work properly, **INJUNCTIONS** § 30:12 See REMEDIES discipline generally, § 30:12 INNOCENT ABSENTEEISM absenteeism. § 30:12 Generally, § 30:12 application of discipline INSUBORDINATION procedures, § 30:12 See DISCIPLINE AND DISinability to work properly, **CHARGE** § 30:12 Employment standards, § 30:5 INSURANCE AND WELFARE PLANS Human rights see HUMAN RIGHTS Generally, § 27:2, § 30:1 Claims, § 27:5 Loss of seniority, § 30:15 Common benefits. § 27:3 Medical examination Disability benefits, § 30:9 see MEDICAL EXAMINA-Drafting check-list, § 27:12 TIONS Eligibility, § 27:10 Modified work and rehabilitation, Entitlement to benefits § 30:14 generally, § 27:6 to § 27:9 Notification of employer, § 29:6, discharge, § 27:9 § 30:7 Proof of illness or disability, § 30:6 illness or disability, § 27:8 Proof of recovery, § 30:13 lay-off, § 27:6 Reasonable accommodation, § 30:3 leave of absence, § 27:6

## INSURANCE AND WELFARE PLANS—Cont'd

Entitlement to benefits—Cont'd suspension, § 27:6

Insurance, § 27:3

Life insurance, § 27:3

Long-term disability benefits, § 27:5, § 30:9

Medical and other benefits, § 27:3

Payment of premiums, § 27:3

Retirees, § 27:11

Sample clauses, § 27:1

Short-term disability benefits, § 30:9

Strike or lock-out, § 27:7

Third party provider, § 27:4

## INTEGRATIVE BARGAINING

See MUTUAL GAINS BARGAIN-ING

#### INTEREST

See also REMEDIES Generally, § 8:19

## INTER-PARTY BARGAINING

Generally, § 6:8 to § 6:13

#### JAIL

See INCARCERATION

## JOB CLASSIFICATIONS AND DESCRIPTIONS

See also MANAGEMENT RIGHTS

Creation or revision, § 17:11

Drafting check-list, § 17:12

Office and clerical, § 17:10

Pay levels, § 21:4

Reclassification, § 17:2

Sample clauses, § 17:1

## JOB DESCRIPTIONS

See JOB CLASSIFICATIONS AND DESCRIPTIONS; JOB POSTING; WORK ASSIGN-MENT

## JOB POSTING

See also PROMOTION, DEMO-TION AND TRANSFER; SKILL AND ABILITY; WORK ASSIGNMENT

Generally, § 24:5

Criteria

generally, § 24:6

aptitude, § 24:6

disciplinary record, § 24:6

qualifications, § 24:6

seniority, § 24:6, § 24:7

Drafting check-list, § 24:8

Fair and reasonable, § 24:5

Inability to perform job, § 24:5

Management discretion, § 24:5 Posting procedure, § 24:5

## JUDICIAL REVIEW

Generally, § 9:48, § 36:5

## **JURISDICTION**

Courts, § 36:4 to 36:5

Damages

see REMEDIES

Exceeding jurisdiction see JUDICIAL REVIEW

## JURY AND WITNESS DUTY

Generally, § 20:1, § 20:6

## LABOUR BOARDS

Courts, specialization and expertise compared, § 9:21

Judicial review

see JUDICIAL REVIEW

Labour disputes, § 9:19, § 9:33

Orders, § 8:16 to § 8:20

Powers and duties, § 8:16 to § 8:20

collective bargaining, reluctance to interfere, § 8:16

remedies

see REMEDIES

unsafe work complaints, § 34:3

## LABOUR MOVEMENTS

Generally, § 2:1 to § 2:20

## LABOUR MOVEMENTS—Cont'd

Canada versus United States, § 2:8

## LABOUR RELATIONS LEGISLATION

Generally, § 1:31

Arbitration required, § 36:3

after expiration of agreement and before strike date, § 9:6

Strikes and lock-outs, § 9:9 to § 9:28, § 35:2 to § 35:7

defined, § 9:15, § 9:16

prohibited, § 35:1 to § 35:7

#### LAY-OFF

Bumping, § 23:14 Business shut-down, § 23:6 Defined, § 23:3 Drafting check-list, § 23:22 Employment standards, § 23:8 Group termination, § 23:9 Notice, § 23:7, § 23:10 Order of, § 23:12 Permanent, § 23:5 Recall, § 23:15 see also RECALL Reduction of hours, § 23:3 Sample clauses, § 23:1 Seniority, § 23:12, § 23:13 see also SENIORITY Severance pay, § 23:11 Skill and ability, § 23:13 Strike distinguished, § 9:15 Temporary, § 23:4, § 23:8 Termination of operations, § 23:6

## LEAD HAND

Generally, § 17:9

#### LEAVE OF ABSENCE

See also ILLNESS AND DISABIL-ITY
Generally, § 20:2
Adoption leave
see MATERNITY, ADOPTION

AND PARENTAL LEAVE

Bereavement leave, § 20:7

## LEAVE OF ABSENCE—Cont'd

Compassionate care leave, § 20:5 Drafting check-list, § 20:10 Employment standards, § 20:3 Family medical leave, § 20:5 Incarceration

see INCARCERATION
Jury and witness leave, § 20:6
Lay-off distinguished, § 23:3
Management rights, § 13:3
Maternity, adoption and parental leave, § 14:7, § 14:11, § 20:4, § 20:8

Medical leave, § 30:1, § 30:2 Military leave, § 20:1 Other leaves of absence, § 20:9

#### LEGISLATION

See also EMPLOYMENT STAN-DARDS LEGISLATION; LABOUR RELATIONS LEGISLATION Generally, § 1:5 to § 1:31

## LETTER OF UNDERSTANDING

Enforceability, § 39:3 Purpose, § 39:2 Ratification, § 39:2 Sample form, § 39:1

#### LOCK-OUT

Generally, § 9:16 to § 9:25, § 35:4

Defined, § 9:16, § 35:4

Discharge of employees during, § 9:34

Effect on union-management relationship, § 4:15

Employer's motivation, § 9:16 Essential services, § 9:50 Jurisdictional comparison, § 9:25 Legal, § 9:24

Return to work following, § 41:1, § 41:2

Unlawful, § 9:25 board remedies, § 9:25 grievance and arbitration, § 9:25

#### LOCUS STANDI

See PARTIES AND PARTICIPANTS

## LUNCH BREAKS

See also WORKING HOURS AND SHIFTS

Generally, § 16:1, § 16:9

### MANAGEMENT

Authoritarian, § 4:23

Collective bargaining team, § 3:8

Communications, § 3:10

Compensation objectives, § 3:12, § 3:13

Goals, § 3:11, § 3:12

Human resources department, § 3:7 Intra-organizational bargaining,

§ 3:9

Relationship with union

generally, § 2:16, § 4:23

accommodation, § 4:19

actual bargaining experiences,

§ 4:10

antecedent determinants, § 4:6 to

§ 4:10

attitude, § 4:11 to § 4:15

collusion, § 4:21

conflict, § 4:17

containment-aggression, § 4:18

co-operation, § 4:20

external factors. § 4:9

functional consequences, § 4:22

ideology, § 4:8

new bargaining unit, § 4:12

ongoing relations, § 4:13

personalities, § 4:7

strike or lock-out, § 4:15

#### MANAGEMENT RIGHTS

Generally, § 3:14

Arbitrariness and discrimination, § 13:3

Clauses, § 13:1

Company rules, § 13:5

Compulsory retirement, § 13:15

#### MANAGEMENT RIGHTS

#### —Cont'd

Contracting out, § 13:14

Discipline or discharge, § 13:9

Discontinuance of business, § 13:13

Drafting check-list, § 13:16

Drug and alcohol policies, § 13:10

Fairness, § 13:1, § 13:3

Job content, create and abolish jobs, § 13:6

Job posting, § 24:5

Lay-off and recall, § 13:8

Location of business, § 13:12

Power to discipline, § 13:4

Purpose, § 13:2

Restrictions on, § 13:3

Revision of job content, § 13:6

Schedules, § 13:7

Technological change, § 13:2,

§ 13:11

Transfer, § 13:8

## MANDATORY RETIREMENT

Generally, § 13:15, § 14:6

## MATERNITY, ADOPTION AND PARENTAL LEAVE

Adoption leave, § 20:4, § 20:8

Employment standards, § 20:4

Maternity leave, § 14:7, § 14:11, § 20:4, § 20:8

3 2011, 3 2010

Parental leave, § 20:8

Sample clauses, § 20:1

#### **MEDIATION**

Generally, § 6:63

#### MEDICAL CERTIFICATE

Generally, § 31:5, § 31:6

Proof of recovery, § 31:6

#### MEDICAL EXAMINATIONS

Annual, § 31:4

Bona fide occupational requirement, § 31:4

Drafting check-list, § 31:9

#### MEDICAL EXAMINATIONS

—Cont'd

Following illness or disability, § 31:5

Human rights, § 31:4, § 31:7

Medical fitness, § 31:4

Pre-employment, § 31:3

Release of medical information, § 31:8

Return to work, § 31:6

Sample clauses, § 31:1

## MEDICAL PLANS

See INSURANCE AND WELFARE PLANS

## **MEMBERSHIP**

Collective agreement clauses, § 15:1

Complaints, duty to exhaust internal review procedures, § 9:48

remedies, § 9:47, § 9:48

Democracy, § 2:11

Discipline, § 9:45 to § 9:49, § 41:2

Dues

see DUES

Expulsion, § 9:47, § 9:48

Fines, § 9:49

Participation, § 2:11, § 2:17

Religious objections, dues to charity, § 15:4

Solidarity, § 9:45 to § 9:49

## MEMORANDUM OF AGREEMENT

See COLLECTIVE AGREEMENT

## MILITARY LEAVE

Generally, § 20:1

### MIXED BARGAINING

Generally, § 6:62

## MONEY AND ECONOMIC ISSUES

Generally, § 6:53

## MUTUAL GAINS BARGAINING

Generally, § 1:2, § 6:33, § 6:34 to § 6:62

Agenda, § 6:38

Best alternative to a negotiated agreement, § 6:49, § 6:62

Breakdown in trust, § 6:45

Dealing with anger, § 6:46

Final agreement, § 6:60

Identification of issues, § 6:35

Interests, § 6:42

Irrationality, § 6:44

Meetings, § **6:38** 

Method, § 6:36, § 6:41

Mutual gains versus positional bargaining, § 1:2, § 6:14

Negotiation ju-jitsu, § 6:51

Objective criteria, § 6:48

Opening statement, § 6:39

Options, § 6:47

Overview, § 1:2, § 6:36

Personalities, § 6:43

Positional bargaining compared, § 1:2

Pre-negotiation meeting, § 6:37

Preparation for, § 6:35

Problems, § 6:61

Strategies, § 6:34 to § 6:61

Taming hard bargainer, § 6:52

Worst alternative to a negotiated agreement, § 6:50

## NATIONAL FOOTBALL LEAGUE

Generally, § 6:32

## NATIONAL HOCKEY LEAGUE

Generally, § 1:2, § 6:2, § 6:32, § 6:63

#### NEGOTIATION

Common mistakes, § 6:8 to § 6:13

Creating value in, § 6:12

Effectiveness of, § 6:2

First offer

see FIRST OFFER

#### NEGOTIATION—Cont'd

Inter-party bargaining, § 6:8 to § 6:13

Investigative, § 6:13

Major types of bargaining, § 6:14 Money and economic issues, of.

§ 6:53

Mutual gains bargaining see MUTUAL GAINS BARGAINING

Personalities, § 6:7

Phases of, § 6:3 to § 6:7

Positional bargaining

see POSITIONAL BARGAIN-ING

Proposals, § 6:18

Types, § 6:14

## **NEGOTIATORS**

Experience and personality, § 6:7 Professional, § 6:1 Relationship between, § 6:2

## **NOTICE**

Absence, § 30:7
Alteration of hours, § 16:6
Call-in pay, § 16:8
Company rules, § 13:5
Contracting out, § 26:5
Lay-off, § 23:7, § 23:10
Overtime, § 16:11
Recall, § 23:20
Technological change, § 25:5
Termination of collective agreement, § 38:4
Warnings
see DISCIPLINE AND DIS-

## **OFF-DUTY CONDUCT**

**CHARGE** 

See COMPANY RULES; DISCI-PLINE AND DISCHARGE

#### **OFFER**

Acceptance, § 9:3
Extinguishment by strike or lockout, § 9:3

## OFFICE AND CLERICAL EMPLOYEES

See BARGAINING UNIT; EMPLOYEE

## ORGANIZATION OF WORKPLACE

See JOB CLASSIFICATIONS AND DESCRIPTIONS; MANAGEMENT RIGHTS; WORK ASSIGNMENT

#### **OVERTIME**

See also MANAGEMENT RIGHTS; WORKING HOURS AND SHIFTS

Generally, § 16:1, § 16:11 Time off in lieu, § 16:1

## **OWNER-OPERATORS**

Sample clauses, § 17:1

### PAID BREAKS

Generally, § 16:9

#### PARTIES AND PARTICIPANTS

Bringing grievance, § 36:8

#### PART-TIME EMPLOYEE

See TEMPORARY, CASUAL AND PART-TIME EMPLOYEES

## PATTERN BARGAINING

Generally, § 9:10

#### **PAY EQUITY**

Generally, § 1:17, § 14:8

## PENSION PLANS

Administrator and pension committee, § 28:6

Contributions during temporary absence, § 28:10

Drafting check-list, § 28:14

Incorporated into agreement, § 28:8

Multi-employer plans, § 28:4

Payment to plan, § 28:9

Plan documents, § 28:7

Sample clauses, § 28:1

Striking employees, § 28:10

## PENSION PLANS—Cont'd

Termination, § 28:11 Types of plans, § 28:3 Union plans, § 28:5 Wind-up, § 28:12

## PERSONAL LEAVE OF ABSENCE

Generally, § 20:1, § 20:9

## **PICKETING**

Generally, § 9:29 to § 9:34 Ally, § 9:31

Charter rights, private disputes not covered, § 9:29 to § 9:34

Common law regulation, § 9:29 to § 9:34

Communicating information versus persuading, § 9:29 to § 9:34

Control by criminal contempt, § 9:33

General meaning, § 9:29 to § 9:34 Illegal, § 9:30

Property rights and, § 9:32

Remedies, § 9:30, § 9:33

Secondary, § 9:31

ally versus common site, § 9:31

Security and, § 9:32

#### PICKET LINES

Generally, § 9:29 to § 9:34, § 35:7 Refusal to cross, § 9:18, § 35:7

#### PLANT CLOSURE

See CLOSURE OR TRANSFER OF BUSINESS

## **POLICY GRIEVANCE**

Generally, § 36:3

## POLITICAL PROTEST DAYS

Generally, § 9:18

## POSITIONAL BARGAINING

Generally, § 1:2, § 6:14, § 6:15 to § 6:33

Avoiding breakdown, § **6:32** Mythical fixed pie, § **6:26** 

#### POSITIONAL BARGAINING

#### —Cont'd

Non-rational escalation of commitment, § 6:27

Over-confidence, § 6:28

Overlooking the perspective of the other party, § 6:29

Overly narrow focus on information relevant to the negotiation, § 6:31

Overweighting vivid information, § 6:30

Self-serving interpretations, § 6:25 Strategies, § 6:19 to § 6:32 Substantive bias, § 6:24

## **POSTING**

See JOB POSTING

### **PREGNANCY**

Leave, § 14:9, § 20:1, § 20:4, § 20:8

## **PREMIUMS**

See OVERTIME; SHIFT PREMIUM

## **PRIVACY**

Drug testing, § 32:1 to § 32:13 Medical examinations, § 31:4 to § 31:6, § 31:8

## PROBATIONARY EMPLOYEE

Generally, § 17:3
Right to grieve, § 36:3
Seniority and, § 22:1

## PRODUCTION STANDARDS

See JOB CLASSIFICATIONS AND DESCRIPTIONS; MANAGEMENT RIGHTS

## PROMOTION, DEMOTION AND TRANSFER

Generally, § 13:8, § 13:9

## PROPERTY RIGHTS

Generally, § 9:32

#### PROPOSAL VOTE

Generally, § 9:44

### **PROVINCES**

Employment, jurisdiction in field of, § 1:5 to § 1:31

## PUBLIC SECTOR

General labour legislation, § 3:3

Management goals, § 3:3

Public sector versus private sector, § 3:3

Quasi-public sector, § 3:4

### RACE

See DISCRIMINATION

#### RAND FORMULA

Generally, § 2:9, § 9:46, § 15:2

#### RATIFICATION

Generally, § 6:64, § 9:3, § 39:2

## REASONABLE

## ACCOMMODATION

Generally, § 1:10, § 1:20, § 30:1, § 30:3

#### REASONABLENESS

See also GOOD FAITH Company rules, § 13:5 Demotion, § 13:9 Discipline, § 13:9 Employee belief, safety, § 34:3 Health evaluation, § 31:4, § 31:6

#### RECALL

See also LAY-OFF; SENIORITY
Generally, § 23:15
Drafting check-list, § 23:22
Notice of recall, § 23:20
Order of, § 23:16
Position and qualifications, § 23:18
Refusal or failure to respond, § 23:21

Rights, § 23:20 Same or different position, § 23:19 Seniority, § 23:17 Skill and ability, § 23:16, § 23:19

#### RECALL—Cont'd

Striking employees, § 9:17, § 9:28

#### RECOGNITION CLAUSE

See COLLECTIVE AGREEMENT

#### REDUCTION OF HOURS

See LAY-OFF

### REHABILITATION

Generally, § 30:14

## REINSTATEMENT

See also REMEDIES Generally, § 8:20

## RELATED BUSINESSES

See EMPLOYERS

## RELATED EMPLOYERS

See EMPLOYERS

## RELIGION

See also DISCRIMINATION
Exemptions, § 15:4
Leave of absence, religious, § 20:1
Union membership, objection to,
§ 15:4

## REMEDIES

See also CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Generally, § 8:16, § 9:33

Court, § 9:21

Damages

see DAMAGES

First agreement arbitration, § 8:21, § 8:22

Grievance arbitration, § 9:6, § 9:20 Imposed collective agreement, § 8:21, § 8:22

Injunctions, § 9:21, § 9:30, § 9:33

Interim relief, § 9:21

Judicial deference to board's expertise, § 9:21

Labour board, § 8:16, § 9:19, § 9:30

consent to prosecute, § 9:21

#### REMEDIES—Cont'd SAFETY—Cont'd Plant shut-downs, § 9:35 to § 9:41 Equipment and clothing, § 33:1, Prosecution, § 9:22 § 34:1 Reinstatement, § 9:25 Health and safety committee, § 34:1, § 34:4, § 34:5 contracting out, § 9:26 to § 9:28 Incentives, § 34:6 discharge or suspension, § 9:23 Internal procedures, § 1:27 lay-off, § 13:8 Legislation, § 1:21 to § 1:30, § 34:3 bumping, § 13:8 enforcement of, § 1:25 promotion, § 13:8 Refusing unsafe work, § 1:26, refusal to obey unlawful order, § 34:3, § 35:9 § 13:9 Responsibility for, § 34:5 unfair bargaining, § 8:16 to Sample clauses, § 34:1 § 8:24 Standards, § 1:22 union security Workers' obligations, § 1:24 dismissal of employee, § 9:47 Workplace hazards, § 1:29 Union members see MEMBERSHIP SALE OF BUSINESS Generally, § 9:40, § 26:8, § 26:9 REORGANIZATION OF Contracting in and out, § 26:8 WORKPLACE Seniority and, § 22:6 Generally, § 17:11, § 24:4 Subcontracting, § 9:39, § 9:40, REPLACEMENT LABOUR § 26:8 Generally, § 9:26 to § 9:28 Successorship policies, § 26:9 REST BREAKS **SCHEDULES** Generally, § 16:9 See MANAGEMENT RIGHTS; PROMOTION, DEMOTION RETIREMENT AND TRANSFER: Compulsory, § 13:15, § 14:6 **REASONABLENESS: WORKING HOURS AND** RETURN TO WORK SHIFTS AGREEMENT Generally, § 41:1 to § 41:3 **SENIORITY** Acquisition, § 22:3 RIGHT TO WORK **Applications** Generally, § 15:2 lay-off RULES see LAY-OFF See COMPANY RULES movement into bargaining unit, § 22:10 **SABOTAGE** promotion, demotion and transfer See DISCIPLINE AND DISsee PROMOTION, DEMO-CHARGE TION AND TRANSFER **SAFETY** recall Generally, § 34:2 see RECALL Drafting check-list, § 34:7 Calculation of, § 22:3 Employers' obligations, § 1:23 Drafting check-list, § 22:12

#### SENIORITY—Cont'd

Geographical limitations, § 22:8 Loss of, § 22:5 Plant-wide, § 22:7 Sale, transfer or merger, § 22:6 Sample clauses, § 22:1 Seniority date, § 22:3 Seniority list, § 22:11 Skill and ability, § 22:7 Super seniority, § 22:9 Termination of seniority, § 22:5 Transfer, § 22:10 Union officials, § 22:9

### **SETTLEMENT**

Memorandum of, § 40:1 to § 40:3

Work interruptions, § 22:4

## SEVERANCE PAY

Generally, § 23:11

## SEX DISCRIMINATION

See DISCRIMINATION

## SEXUAL HARASSMENT

Generally, § 1:14, § 14:20

## **SEXUAL ORIENTATION**

Generally, § 1:8 to § 1:20, § 14:14

#### SHIFT PREMIUM

Generally, § 21:5

#### **SHIFTS**

See WORKING HOURS AND SHIFTS

## SHOP STEWARDS

Generally, § 15:8

#### SICK LEAVE

See ILLNESS AND DISABILITY; INSURANCE AND WELFARE PLANS

#### SKILL AND ABILITY

Classification and pay level, § 21:4 Lay-off, § 23:13 Non-disciplinary demotion, § 13:8 Recall, § 23:16, § 23:19

## SKILL AND ABILITY—Cont'd

Seniority, § 22:7

## **SLEEPING ON JOB**

See DISCIPLINE AND DIS-CHARGE

## SOCIAL BENEFIT PROGRAMS

Generally, § 1:6

### **STANDING**

See PARTIES AND PARTICIPANTS

## STATUTORY FREEZES

See FREEZES

#### STATUTORY HOLIDAYS

See HOLIDAYS AND HOLIDAY PAY

## **STRIKE**

Cooling-off period, provincial variations, § 9:17

Decline in, § 9:14

Defined

generally, § 9:15, § 35:3

common understanding and activity, § 9:15

element of purpose, § 9:15

hot cargo clauses compared, § 9:15, § 35:8

objective and subjective elements, § 9:15

refusal to do work, § 9:15

Discharge of employees during, § 9:34

Effect on union-mangement relationship, § 4:15

Essential services, § 9:50

Illegal

generally, § 9:18, § 35:5

board remedies, § 9:19

court action, § 9:20

damages, § 9:19, § 9:20, § 35:3

discharge of employees involved, § 9:23

discipline, § 9:23

#### STRIKE-Cont'd SUBMISSION TO ARBITRATION Illegal—Cont'd See GRIEVANCE PROCEDURE employee liability, § 9:19, § 9:20 SUCCESSORS grievance and arbitration reme-See also CONSTRUCTION dies, § 9:20, § 35:3 **INDUSTRY** labour board determination, Generally, § 26:8 § 9:19 remedies, § 35:5 SUPER SENIORITY union liability, § 9:19, § 9:20 Union officials, § 15:8, § 22:9 Legal, conciliation as precondition, **SUPERVISORS** § 9:17 Generally, § 17:9 Legalizing, § 9:17 Excluded by recognition clause, No strike or lock-out clauses, § 35:1 § 17:9 to § 35:3 Promotion out of unit, § 22:10 Provincial variations, § 9:17 Return to unit, § 22:10 resolution techniques, § 9:17 secret ballots, § 9:17 **SUSPENSION** Recall of striking employees, See DISCIPLINE AND DIS-§ 9:17, § 9:28 **CHARGE** Refusal to cross picket line, § 9:18, TECHNOLOGICAL CHANGE § 35:7 See also JOB CLASSIFICATIONS Replacement workers, § 9:26 to AND DESCRIPTIONS; § 9:28 MANAGEMENT RIGHTS Return to work following, § 41:1, Generally, § 9:41, § 13:11, § 25:1 § 41:2 to § 25:9 Right to employment, § 9:17, Defined, § 25:3 § 9:28 Drafting check-list, § 25:9 Right to strike Legislated standards, § 9:41, § 25:4 generally, § 9:17, § 35:3 Notice of, § 25:5 common law. § 9:17 Preventing, § 25:6 guarantees, § 9:17 Remedies, § 25:8 restrictions Rights of employees, § 25:7 timeliness, § 9:17 Sample clauses, § 25:1 voting requirements, § 9:17 TEMPORARY, CASUAL AND Security during, § 9:27 PART-TIME EMPLOYEES Status of striking employees, Generally, § 17:4 § 9:17, § 9:28, § 9:34 Vacation entitlement, § 19:3 Strike-breakers, statutory prohibi-Wage structure, § 21:6 tions, § 9:26 to § 9:28 Types of, § 9:9 TEMPORARY ABSENCE Voting **PROGRAM** See LEAVE OF ABSENCE see VOTING SUBCONTRACTING TEMPORARY ASSIGNMENTS See CONTRACTING OUT Generally, § 7:6, § 21:7

#### **TERMINATION**

See also DISCIPLINE AND DISCHARGE

Generally, § 37:1, § 37:5

Discrimination and, § 1:18

Illness and disability

see ILLNESS AND DISABIL-ITY

Initiated by union, § 9:46, § 9:47, § 15:3

Probationary employees, § 17:3 Reasonable notice, § 37:5

#### **TIME-LIMITS**

Generally, § 36:7 Continuing grievance, § 36:7 Mandatory or directory, § 36:7 Relief against non-compliance,

§ **36:7** Waiver of, § **36:7** 

#### TOOLS

See CLOTHING, TOOLS AND EQUIPMENT

#### TRADE UNION

See UNION

## TRANSFER

See PROMOTION, DEMOTION AND TRANSFER

## TRANSFER OF BUSINESS

See CLOSURE OR TRANSFER OF BUSINESS

## TRANSFER OF WORK

See CONTRACTING OUT

#### UNDUE HARDSHIP

See REASONABLE ACCOM-MODATION

## UNFAIR LABOUR PRACTICES

Generally, § 9:8, § 9:35 to § 9:41 Bona fide purpose, § 9:36 to § 9:39 branch closing, § 9:37 closure, § 9:38

## UNFAIR LABOUR PRACTICES

#### —Cont'd

Bona fide purpose, § 9:36 to § 9:39
—Cont'd

existing business plan, § 9:37, § 9:38

relocation, § 9:37, § 9:38

Communications with employees, § 9:42, § 9:43

Continuation of strikers' employment, § 9:28

Duty to bargain

see DUTY TO BARGAIN

Employer property rights

see EMPLOYER PROPERTY RIGHTS

Interference with union

see UNION

Rehiring strikers after strike, § 9:28 Remedies

see REMEDIES

Replacement labour, § 9:26 to § 9:28

Unilateral changes to conditions of employment, § 9:2 to § 9:7

## UNFAIR REPRESENTATION

Generally, § 36:9

#### UNIFORM ALLOWANCE

See CLOTHING, TOOLS AND EQUIPMENT

### UNION

Generally, § 2:2

Affiliation of, § 2:4

A.F.L. and C.I.O., § 2:3 to § 2:13

Alberta Teachers' Association ATA, § 1:2

Alternative unions, § 2:13

Business, § 15:1, § 15:10

Canadian Labour Congress, § 2:3 to § 2:13

Canadian labour federations, § 2:5 Canadian Labour Union, growth of, § 2:3 to § 2:13

UNION—Cont'd	UNION—Cont'd
Centrale des Syndicats	Membership
Dmocratiques, § 2:3 to § 2:13	see MEMBERSHIP
Chemical Energy Paper Workers	National unions, § 2:7
Union, § 1:2	Office space, § 15:1, § 15:17
Christian Labour Association of	Officials
Canada, § 2:13	generally, § 15:8, § 22:9
Committees, § 15:8	rights and responsibilities
Communications and buttons,	representatives, § 15:1
§ 9:43	sample clauses, § 15:1
Confdration des Syndicats	super seniority, § 15:8, § 22:9
Nationaux, § 2:3 to § 2:13	Politics, § 2:10
Control of grievance, § 2:11, § 36:8	Raids, § 4:9
Corruption, § 2:12, § 4:21	Recognition, § 8:4
Democracy, § 2:11	Relationship with management,
Discipline, § 9:45 to § 9:49, § 41:2	§ 2:16
Dues	accommodation, § 4:19
see DUES	attitudinal relationship
Duties	generally, § <b>4:1 to § 4:5</b> legitimacy, § <b>4:2</b>
check-off regulation, § 15:6	prevailing attitude of friendli-
fair representation of all employ-	ness or hostility, § 4:4
ees, § 2:19, § 36:9	prevailing attitude of
non-discrimination, § 14:3	individualism or
Expulsion from, § 9:46 to § 9:48,	co-operation, § 4:5
§ 15:3	trust, § 4:3
Federation des Travailleurs du Quebec, § 2:3 to § 2:13	collusion, § 4:21
Fines, § 9:49, § 15:3	conflict, § <b>4:17</b>
	containment-aggression, § 4:18
Goals, § 2:18, § 2:19	co-operation, § 4:20
Grievance	external factors, § 4:9
see GRIEVANCE	functional consequences, § 4:22
Health Services and Support Facili-	ideology, § 4:8
ties Subsector Bargaining Association, § 5:1	newly certified union, § 4:12
· -	ongoing relations, § 4:13
Input for collective bargaining, § 5:7	personalities, § 4:7
International unions, § 2:6	strike, <b>§ 4:11 to § 4:15</b>
	Representation during grievance
Leave for union activities, § 15:1, § 15:13, § 20:1	procedure, § 36:9
Liability for unlawful strike, § 9:19,	Revocation of membership, § 9:47
\$ 9:20	Security Security
Literature, § 15:1, § 15:15	generally, § 9:46, § 15:2 to § 15:4
Local, § 2:9	0
Meetings, § 15:10	check-off, § 9:46, § 15:6 closed shop, § 15:2
Meenings, 8 13:10	CIUSCU SHOP, § 15:2

#### UNION—Cont'd VACATION—Cont'd Security—Cont'd Drafting check-list, § 19:6 closed shop versus agency shop, Employment standards, § 19:3 § 15:2 Sample clauses, § 19:1 fines for picket line crossers, VOLUNTARY OVERTIME § 9:49 See OVERTIME legal limits, § 15:3 dismissal of employee, § 15:3 VOTING maintenance of membership Final offer, § 9:44 clause, § 15:2 Strike religious exemptions generally, § 9:17 see RELIGION pre-condition, § 9:17 Shop stewards, § 15:8 supervised by board, § 9:17 Solidarity, § 9:45 to § 9:49 who is eligible, § 9:17 Strikes and lock-outs WAGES see STRIKE: LOCK-OUT Generally, § 21:2 Supplying employees, § 15:1, Acting pay, § 21:7 § 15:19 Adjustments, § 21:3 United Auto Workers UAW, § 1:2 Alteration of wages, § 21:8 UNION DUES see also JOB CLASSIFICA-See DUES TIONS AND DESCRIP-**TIONS** UNION-MANAGEMENT Call-in pay, § 16:7 RELATIONS Change in job function, § 21:8 Improving, § 4:23 Drafting check-list, § 21:11 UNION MEMBERSHIP Equal pay for equal work See MEMBERSHIP see PAY EQUITY UNLAWFUL STRIKE Management rights, § 13:1, § 13:3 See LOCK-OUT; STRIKE Minimum wage, § 21:3 Overtime pay VACANCY see OVERTIME See also JOB POSTING Part-time employees, § 21:6 Generally, § 24:2 Pay levels by classification, § 21:4 Changing jobs, § 24:4 Performance of work outside clas-Job posting, § 24:5 sification, § 21:4 New jobs, § 24:3 see also JOB CLASSIFICA-Restructuring, § 24:4 TIONS AND DESCRIP-Sample clauses, § 24:1 TIONS Standard in filling, § 24:6 Rates for new and revised classifications, § 17:11 VACATION Roll-backs, § 21:9 Generally, § 19:2 Shift differentials, § 21:5 Accrued vacation, § 19:5 Skill, § 21:4 Computation of vacation and vacation pay, § 19:4 Temporary assignments, § 21:7

#### COLLECTIVE BARGAINING AND AGREEMENT

#### WAGES—Cont'd

Temporary employees, § 21:6

#### WATNA

See WORST ALTERNATIVE TO A NEGOTIATED AGREE-MENT

### WELFARE PLANS

See INSURANCE AND WELFARE PLANS

## WORK ASSIGNMENT

See also JOB CLASSIFICATIONS AND DESCRIPTIONS; MANAGEMENT RIGHTS; PROMOTION, DEMOTION AND TRANSFER; VACANCY

Generally, § 17:6, § 17:11

## **WORKERS' COMPENSATION**

Generally, § 1:30, § 30:1, § 30:10

## WORKING HOURS AND SHIFTS

See also OVERTIME Generally, § 16:2 Call-in pay, § 16:8

## WORKING HOURS AND SHIFTS —Cont'd

Clean-up time, § 16:10
Emergencies, § 16:7
Employment standards, § 16:3
Flexible work week, § 16:1
Paid breaks, § 16:9
Reduction of hours, § 16:6
Rest period, § 16:9
Sample clauses, § 16:1
Shifts, § 16:6

Standard hours, § 16:4

Standard work week, § 16:5 Transfer between shifts, § 16:6

## WORK PERFORMANCE

See DISCIPLINE AND DIS-CHARGE

## WORKPLACE GOVERNANCE

Generally, § 15:1

## WORST ALTERNATIVE TO A NEGOTIATED AGREEMENT

Generally, § 6:9, § 6:41, § 6:50

## ZONE OF POSSIBLE AGREEMENT

Generally, § 6:8 to § 6:13