

Index

ARBITRATORS REFERENCED

Ashley, Susan, 159
Burkett, Kevin, 158
Goodfellow, Russell, 155
Hope, Allan, 155
Keller, Brian, 156
Paus-Jenssen, Arne, 144
Samuels, Joseph, 157
Teplitsky, Martin, 2, 159
Verity, Richard, 156
Weiler, Paul, 3, 106

ARBITRATION OR LABOUR BOARD AWARDS

AECL v. Chalk River Nuclear Operators Powerworkers Union, Local 1000, 156
Beacon Hill Lodges of Canada v. H.E.U., 156
Bridgepoint Hospital v. CUPE, 155
Corporation of the Town of Cumberland and the Cumberland Professional Fire Fighters Association, 156-157
City of Moose Jaw and Moose Jaw Professional Fire Fighters Association, IAFF Local 553, 144
Cochester South Township Police Re, 157
Toronto Professional Fire Fighters Association and the Corporation of the City of Toronto, 159
Newfoundland (Treasury Board) v. N.A.P.E., 160
U.E. v. De Vilbiss (Canada), 77

COLLECTIVE AGREEMENT LANGUAGE

Bridging clause, 206,
Call-in pay, 216-217
Contracting out, 202
Cost of living adjustments, 268-270
Duration (term), 16, 18, 29-30, 60, 205-206
Exclusive bargaining representative, 8, 75
Hot cargo, 186-187
Hours of work, 209-212
Job posting and vacancy, 235-237
Layoff, bumping and recall, 198-201

COLLECTIVE AGREEMENT LANGUAGE — *continued*

Management rights (or residual rights), 17-18, 47-48, 172
Overtime, 212
Probationary employee, 196
Recognition clause, 18-19, 171
Reporting time, 216
Rest periods, 215
Rules and regulations, 176
Scope clause, 171
Seniority, 194-198, 199
Standby pay, 217
Vacation with pay, 217-224

COLLECTIVE BARGAINING / NEGOTIATIONS

Agreed-to items, 89
Alliances, 57
Bad faith, 96, 97
Bad faith, remedies, 98-99
Caucus meetings, 43, 88
Closing the deal, 91
Commitments, 138
Committees, 35-36, 40-42, 90
Committee rules, 42-43
Comparability, 155
Comparator collective agreements, 52-53, 153
Confidentiality, 43, 73, 80
Difficult people, 93-94
Economic and non-economic issues, 86
Economy, 55
Evaluating the negotiation problem, 64-66
Exchange of proposals, 79
Face-saving, 119, 137
First collective agreement, 32-33, 78, 85-86
First sessions, 77-79
Hard bargaining, 97
High-volume negotiations, 87
Identifying the negotiation problem, 64
Labour-management committees, 59
Late demands, 78, 80
Legal framework, 76
Letter of understanding (see also Memorandum of Agreement), 90
Limitations on negotiations, 14
Location, 44

COLLECTIVE BARGAINING / NEGOTIATIONS — *continued*

- Log-rolling, 89, 91
- Memorandum of Agreement (see also letter of understanding), 92, 120, 132
- Notes, 73, 84-85
- Notice period, 125
- Notice to bargain, 13, 16, 32, 76, 77
- Objectives (employer), 47-48
- Objectives (union), 48
- Obligations, 12, 32-33, 75-77, 96-97
- Open period, 16, 97
- Opening statements, 79
- Plain language, 162
- Political environment, 55-56
- Power, 57-58
- Preparation, 49
- Productions, 77
- Proposals, 36-40, 47-48, 77, 78, 79
- Ratification, 84, 92, 120, 132
- Replacement collective agreement, 93
- Resolving the negotiation problem, 66-67
- Rules for negotiators, 68-74, 79
- Sessions, 77-79, 80-81, 87
- Settlement, 120
- Settlement package, 90-91, 132
- Settlement timing, 56-57
- Spokespersons, 42, 84
- Statutory freeze, 12, 13, 76
- Strategies, 56-57, 78
- Structured questions, 81-83
- Sub-committees (side-tables), 89-90
- Surface bargaining, 97
- Total compensation, 156, 244, 265
- Wage patterns, 54
- Without prejudice rule, 80-81, 116
- Workplace legislation, 13, 17

COSTING THE COLLECTIVE AGREEMENT

- Average annual salary, 258
- Average hourly overtime, 259
- Average hourly wage, 258
- Average pension costs, 262
- Full-time equivalent, 244

COSTING THE COLLECTIVE AGREEMENT — *continued*

- Gross pay, 218
- Job rate, 245
- Rollup, 244-245, 262
- Snapshot, 245
- Stub period, 218
- Unit of labour, 244

DISPUTE / CONFLICT RESOLUTION

- Arbitral decision-making, 154
- Arbitration, 20, 22, 25
 - Nominees, 26, 107-108, 182
 - Tripartite arbitration panel, 26
- Arbitration-mediation (arb-med), 108
- Back-to-work legislation, 109, 149
- Conciliation, 31, 56, 100, 101, 123, 124
- Committee person, 176, 178
- Cooling off period, 101, 121, 123, 125
- No-board report, 121
- Conciliation board, 100, 103-105
- Conciliator. *See* Neutral third party
- Conflict resolution, 95-122
 - Data conflicts, 112
 - Relationship conflicts, 111-112
 - Structural conflict, 113-114
 - Value conflicts, 114
- Dispute resolution training, 140-141
- Duty of fair representation, 8, 120, 133
- Essential workers, 149
- Fact-finding, 100, 105
- Final offer selection, 109
- First contract arbitration, 99
- Hard bargaining, 97
- Industrial Inquiry Commission, 100, 105-106
- Interest arbitration, 26, 90, 100, 107-108, 124, 151,
 - Ability to pay, 158
 - Chilling effect, 43, 152
 - Comparability, 155
 - Comparator collective agreements, 52-53, 153
 - Essential services, 148
 - Incrementalism, 156
 - Narcotic effect, 152
 - Replication, 155

DISPUTE / CONFLICT RESOLUTION — *continued*Interest arbitration — *continued*

- Secondary effect, 153
- Statutory criteria, 158
- Total compensation, 156, 244, 265
- Unwillingness to pay, 158
- Wage patterns, 54

Interest conflict, 112-113

Late demands, 78, 80

Legislated outcome, 100, 109, 110

Media black-out, 101, 115

Mediation, 21, 56, 99, 100, 101, 123, 124, 133, 136-139

Mediation-Arbitration (med-arb), 108

Mediator. *See* Neutral Third Party

Minister of Labour, 102

Neutral third party, 101-102, 103-104, 133-136

Neutral third-party tactics, 111, 1114, 115-120, 133-135

Resolving the negotiation problem, 65-67

Strike and Lockout, 1, 2, 18, 28-29, 31, 56, 100, 106-107, 123-126, 185-186

Illegal strike or lockout, 126

Secret ballot, 125

Picket lines, 128, 140

Secondary picketing, 127-129

Replacement workers, 129-130

Unfair labour practices, 96, 126, 128

Wildcat strikes, 29, 75-76

GRIEVANCE

Duty of fair representation, 8, 120, 133

Employer grievance, 183

Expedited grievance and arbitration, 25, 27-28, 183

Grievance arbitration, 127, 182

Grievance form, 181

Group grievance, 22, 180

Individual grievance, 22, 180

Policy grievance, 22-24, 180

Procedure, 18, 20-22, 179

Steps, 181

Timelines, 180

LEAVES OF ABSENCE

Bereavement leave, 231-232

LEAVES OF ABSENCE — *continued*

- Education leave, 234-235
- Family leave, 235
- Full-time release,, 204
- Illness and disability leave, 238
- Income protection plan, 238
- Jury duty, 233
- Long-term disability, 239-240
- Maternity, parental and adoption, 228-230
- Military and reservist, 233-234
- Paid holidays, 224-227
- Personal leave, 227
- Short-term disability, 238-239
- Sick leave certificates, 240

HEALTH AND WELFARE BENEFITS

- Administrative service only, 272
- Brown and Beatty* four-category test, 275
- Collective agreement considerations, 274
- Health care plans, 271-285
- Incorporated by reference, 15, 275-276
- Illness and disability, 238
- Union benefit plans, 273
- Union-operated or joint-trustee plans, 273

HUMAN RIGHTS

- Duty to accommodate, 241
- No discrimination, 241-242,
- Sick leave, 241

PENSIONS

- 85-factor, 81
- Canada Pension Plan, 144, 278
- Components of retirement income, 278
- Contributory Pension Plan, 280
- Defined benefit plan, 280-281
- Defined contribution plan, 280, 282-283
- Flat rate pension benefit, 282
- Final average earnings, 281
- Group registered pension plan, 283
- Guaranteed Income Supplement, 144, 278
- Joint-trusteed plan, 273-274
- Lifetime average earnings, 282

PENSIONS — continued

- Multi-employer pension plan, 284
- Non-contributory pension plan, 280
- Old Age Security, 144, 278
- Pension portability, 284
- Pension structures, 279
- Pension trustee, 277
- Quebec Pension Plan, 278
- Union-operated pension plans, 273
- Unreduced pension plan, 281

STATUTES REFERENCED

- Anti-Inflation Act* (Federal), 3, 149
- Canadian Charter of Rights and Freedoms*, 110, 287
- Canada Labour Code* (Federal), 125
- Criminal Code of Canada* (Federal), 2
- Employment Standards Act* (Ontario), 96, 218
- Expenditure Restraint Act* (Federal), 150
- Fire Protection and Prevention Act, 1997* (Ontario), 145
- Hospital Labour Disputes Arbitration Act* (Ontario), 14
- Income Tax Act* (Federal), 279
- National Labor Relations Act of 1935* (United States - Federal), 75
- Labour Relations Act* (Ontario), 20, 27, 32, 33, 96, 145, 148, 188
- Occupational Health and Safety Act* (Ontario), 96
- Police Services Act* (Ontario), 12, 145, 176
- Public Service Employee Relations Act* (Alberta), 145
- Public Sector Labour Relations Act* (Federal), 14, 147
- Public Service Staff Relations Act* (Federal), 147
- Social Contract Act* (Ontario), 149
- The Trade Union Act* (Saskatchewan), 145
- Wagner Act* (United States - Federal), 75
- Wartime Labour Relations Regulations* (Federal), 75

SUPREME COURT OF CANADA

- Dayco (Canada) Ltd. v. CAW-Canada*, 179
- Dickson, Mr. Chief Justice Brian, 287
- Health Services & Support-Facilities Subsector Bargaining Assn. v. British Columbia*, 110
- Pepsi-Cola Canada Beverages (West) Ltd. v. R.W.D.S.U., Local 558*, 128
- Rand, Mr. Justice Ivan, 188
- Reference re Public Service Employee Relations Act (Alberta)*, 294
- Weber v. Ontario Hydro*, 180

TRUDEAU, PRIME MINISTER PIERRE E., 2**UNION**

- Constitution, 92, 120, 132-133, 178, 193
- Constitutional division of powers, 10, 145
- Council of trade unions, 15
- Density, 3, 4
- Duty of fair representation, 8, 120, 133
- Membership in good standing, 192
- Public sector, 9, 12, 143
- Raiding, 103
- Representation, 176, 203
- Steward, 176, 178, 204

UNION CERTIFICATION

- Certification, 10, 96
- Construction industry, 15
- Decertification, 8, 98, 103
- Exclusion from bargaining unit, 19
- Voluntary recognition, 11

UNION ORGANIZATIONS

- American Federation of State, County and Municipal Employees, 291
- Canadian Auto Workers, 291
- Communications, Energy and Paperworkers Union of Canada, 291
- Ontario Nurses Association, 146
- Service Employees International Union, 291
- UNIFOR, 291

UNION SECURITY

- Agency shop, 189, 190
- Check-off, 188
- Closed shop, 189
- Maintenance of membership, 189, 190
- Rand formula, 188, 190
- Rand, Mr. Justice Ivan, 188
- Union shop, 189, 190
- Religious exemption, 194
- Voluntary check-off, 189, 192