

## 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

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

Insurance and welfare 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

sample clauses, § 36:1

Collective agreement, enforcement,  
§ 36:4

Compulsory, § 36:2

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

Time-limits, § 36:7

### **ARBITRATION BOARDS**

See also ARBITRATION

Judicial review

see JUDICIAL REVIEW

Powers, § 36:15

Selection, § 36:11

**ASSIGNMENT OF WORK**

See WORK ASSIGNMENT

**ATTENDANCE**

- Absence, § 29:4
- 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 AGREEMENT

**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

Drafting check-list, § 20:10

**BEST ALTERNATIVE TO A NEGOTIATED AGREEMENT**

Generally, § 4:13, § 6:49

**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, § 16:8

Emergencies, § 16:7

**CANADA PENSION PLAN**

Generally, § 1:6, § 28:3, § 30:11

Costing of proposals, § 7:1, § 7:9, § 7:14

Illness and disability, § 30:11

**CANADA PENSION PLAN****—Cont'd**

Pensions, types of, § 28:3

**CANADIAN CHARTER OF RIGHTS AND FREEDOMS**

Generally, § 1:3, § 5:1

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

Bulletin boards, § 15:15

Communicating with employees,  
§ 9:42

Compulsory retirement, § 13:15

Grievance and arbitration procedure,  
§ 36:4

Human rights, § 14:7, § 14:15

Illness and disability, § 30:4

Picketing, § 9:29, § 9:30

Picketing, illegal, § 9:30

Picketing, secondary, § 9:31

Severance pay, statutory, § 23:11

Strikes, § 9:9, § 9:17, § 9:19

Union security clauses, § 15:2

**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

Automatic renewal, § 9:4, § 38:3

Avoidance, contracting out, § 26:3

Bridging, statutory provisions, § 9:4

Bridging and automatic renewal,  
§ 9:4, § 38:5

Company rules, § 13:5, § 32:11

Discipline clause, § 13:9

Drafting, § 10:1 to § 10:9

Duration, § 3:15, § 38:2

Enforcement

see **ENFORCEMENT OF COLLECTIVE AGREEMENTS**

Form and content

amendments

see **LETTER OF****UNDERSTANDING**

ancillary documents

see **ANCILLARY DOCUMENTS**

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

**COLLECTIVE AGREEMENT**

—Cont'd

- Grievance arbitration
  - see ARBITRATION
- Individual contracts of employment
  - see EMPLOYMENT CONTRACT
- Letters of understanding
  - see LETTER OF UNDERSTANDING
- Mid-contract change, § 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, § 12:1 to § 12:16
- Renewal, § 9:4, § 38:3
- Technological change
  - see TECHNOLOGICAL CHANGE
- Termination
  - generally, § 9:2 to § 9:7, § 38:2, § 38:6
  - drafting check-list, § 38:8
  - impact of, § 38:7
  - notice of, § 38:4
  - sample clauses, § 38:1
- Term of operation, § 38:2
  - sample clauses, § 38:1
  - wage reopener clause, § 38:2
- Union security
  - generally, § 15:2
  - clause enforcement, § 15:2, § 15:3
  - drafting check-list, § 15:5
  - religious exemption, § 15:4
  - sample clauses, § 15:1
  - statutory clauses, § 15:2, § 15:3
- Validity, § 9:3

**COLLECTIVE BARGAINING**

- Bargaining team, § 5:13 to § 5:16
- Check-lists, § 5:18
  - management, § 5:18
  - union, § 5:18
- Costing of proposals, § 7:1 to § 7:14
- Database, § 5:17
- Duties
  - fair representation, § 2:19
  - good faith, § 8:1 to § 8:24
  - ongoing duty to bargain, § 8:25
  - reinstatement of employees discharged during labour dispute, § 8:26
- Employment law, § 1:1 to § 1:32
- Essential prerequisites for, § 6:2
- Impasse, § 9:2 to § 9:7
- Industry bargaining, § 9:8
- Legislation, § 1:31
  - purpose of, § 1:5 to § 1:31
- Legislative responsibility, § 1:5 to § 1:31
  - constitutional basis, § 1:5 to § 1:31
  - provincial involvement, § 1:5 to § 1:31
- Local bargaining, § 9:8
- Management issues, § 5:8
- Models for, § 2:14 to § 2:17
- National bargaining, § 9:8
- Negotiation
  - see NEGOTIATION
- Objectives of, § 5:1
- Phases of, § 6:3 to § 6:7
- Preparation for
  - generally, § 5:1 to § 5:20
  - bargaining team, § 5:13
  - check-lists, § 5:18
  - database, § 5:17
  - external data, § 5:4
  - input from stakeholders, § 5:6
  - internal information, § 5:5
  - opponents, § 5:3
  - strategy, § 5:10 to § 5:12

**COLLECTIVE BARGAINING****—Cont'd**

- Preparation for—Cont'd
  - value of preparation, § 5:2
- Privacy, break of, § 9:52
- Tactics, § 9:1 to § 9:49
- Unfair labour practices, § 9:52
- Union issues, § 5:9

**COMMUNICATIONS WITH EMPLOYEES**

- Generally, § 9:42, § 9:43
- Union communications and buttons, § 9:43

**COMPANY RULES**

- See also MANAGEMENT RIGHTS
- Generally, § 13:5

**COMPASSIONATE CARE LEAVE**

- Generally, § 20:5

**COMPULSORY OVERTIME**

- See also DISCIPLINE AND DISCHARGE; OVERTIME
- Generally, § 16:11

**COMPULSORY RETIREMENT**

- Generally, § 13:15, § 14:6

**CONCILIATION**

- 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
  - clauses to ensure, § 15:2

**CONTRACTING OUT**

- See also MANAGEMENT RIGHTS; WORK ASSIGNMENT
- 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

**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 36:5

**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 DISCHARGE; PROMOTION,

**DEMOTION—Cont'd**  
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

illness or disability  
see ILLNESS AND DIS-  
ABILITY

incarceration, § 29:5

abuse of leave of absence, § 13:9

alcoholism, § 13:9

assault, § 13:9

carelessness, § 13:9

conflict of interest, § 13:9

criminal convictions, § 13:9

disability

see ILLNESS AND DISABIL-  
ITY

**DISCIPLINE AND DISCHARGE**  
—Cont'd

Grounds for—Cont'd

failure to get along with fellow  
workers, § 13:9

falsification of records, § 13:9

fighting or threatening, § 13:9

illness

see ILLNESS AND DISABIL-  
ITY

insolent behaviour or obscene  
language, § 13:9

insubordination, § 13:9

lateness, § 13:9

leaving work without permission,  
§ 13:9

refusal to obey instructions,  
§ 13:9

unlawful strike, § 9:23

work performance, § 13:9

Warning, § 13:9

**DISCRIMINATION**

Age

mandatory retirement, § 14:6

Drafting check-list, § 14:23

Family status, § 14:17

Grounds, § 14:5

Harassment, § 14:1, § 14:20 to  
§ 14:22

Illness or disability, § 1:16, § 14:14

Marital or family status, § 14:17

Nepotism, § 14:17

Non-discrimination clauses, § 14:1,  
§ 14:2

Political beliefs, § 1:8 to § 1:20,  
§ 14:18

Race, § 14:1, § 14:12

Religion, § 14:13

Retirement, § 14:6

Sex, § 14:7

ability to perform job, § 14:9

equal pay for equal work, § 1:17,  
§ 14:8

maternity and parental leave,  
§ 14:9

**DISCRIMINATION—Cont'd**

- Sex, § 14:7—Cont'd
  - work assignment, § 14:9, § 14:10
- Sexual harassment, § 1:14, § 14:20
- Sexual orientation, § 1:8 to § 1:20, § 14:15
- Union activities or membership, § 14:19

**DISPUTES**

- See LOCK-OUT; STRIKE

**DISTRIBUTIVE BARGAINING**

- See POSITIONAL BARGAINING

**DRUG AND ALCOHOL POLICIES**

- See ALCOHOL AND DRUG TESTING

**DRUG TESTING**

- See ALCOHOL AND DRUG TESTING

**DUES**

- Generally, § 15:1, § 15:4, § 15:6
- Check-off, § 15:1, § 15:6
- Deduction of
  - generally, § 15:1
  - contribution to charity, § 15:4
  - religious exemption, § 15:4
  - requirement, § 15:6
- Drafting check-list, § 15:7

**DUTY OF FAIR****REPRESENTATION**

- Generally, § 2:19, § 36:9
- Grievances
  - 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

**DUTY TO BARGAIN—Cont'd**

- 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
  - bargaining order, § 8:17
  - business relocation and closure, § 8:23
  - compensation, § 8:18
  - interest, § 8:19
  - first agreement arbitration, § 8:21
  - imposing collective agreement terms, § 8:22
  - other remedies, § 8:24
  - reinstatement, § 8:20
- Strike or lock-out, § 8:16 to § 8:24
- United States, § 8:1

**EDUCATION AND EXPERIENCE**

- See JOB POSTING; PROMOTION, 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

Successorship, § 26:8 to § 26:9

**EMPLOYMENT**

Changing terms of, § 9:2 to § 9:7

**EMPLOYMENT BENEFITS**

Generally, § 1:6, § 30:11

Claims for, § 27:5

**EMPLOYMENT BENEFITS**

—Cont'd

Continuance of, § 27:6 to § 27:9  
discharge, § 27:9

illness or disability, § 27:8  
strike or lockout, § 27:7

Costing of, § 7:11

Drafting checklist, § 27:12

Eligibility, § 27:10

Pensions, § 28:1 to § 28:14

Purpose of, § 27:2

Retirees, § 27:11

Sample clauses, § 27:1

Third party, provided by, § 27:4

**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

Disconnect, right to, § 16:3.50

Family medical leave, § 20:5

Group termination, § 23:9

Hours of work and rest, § 15:1,  
§ 16:4

Lay-off, § 23:8

Maternity and parental leave,  
§ 14:7, § 14:11, § 20:3, § 20:4

Minimum wage, § 21:3

Overtime, § 1:7

Pay equity, § 1:17

Severance pay, § 23:8, § 23:11

Statutory holiday pay, § 18:3,  
§ 18:5

Vacations and vacation pay, § 19:1  
to § 19:6

**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
- Promotion of industrial peace,  
§ 9:51

**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
- 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 abandon-  
ment 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
- Prevention of, § 14:22
- Sexual harassment, § 14:20
- Violence, prevention of, § 14:22

**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
- Complaints by union members against union, § 1:20
- Discrimination, § 1:8 to § 1:20
- Duty to accommodate, § 1:10, § 1:20, § 30:1, § 30:3

**HUMAN RIGHTS—Cont'd**

- Employers and, § 1:12, § 14:3
- Hiring, § 1:9
- Illness and disability, § 1:16, § 29:7, § 30:3
- Medical examinations
  - see MEDICAL EXAMINATIONS
- 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

**HUMAN RIGHTS COMPLAINTS BY UNION MEMBERS AGAINST UNION**

- Generally, § 2:20

**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
  - attendance, § 29:5
  - deemed termination and loss of seniority, § 30:15
  - discipline and discharge, § 13:9, § 32:12
  - drafting checklist, § 32:13
  - human rights legislation, § 30:3, § 32:3
  - modified work and rehabilitation, § 30:14
  - policies, drug and alcohol, § 13:10
  - proof of illness or disability, § 30:6
  - rule making, § 13:5
  - sample clauses, § 13:1, § 30:1, § 32:1

**ILLNESS AND DISABILITY****—Cont'd**

- Alcoholism, § 32:3—Cont'd
  - testing, arbitration cases re., § 32:4 to § 32:5
  - testing, as a condition of returning to work, § 32:9
  - testing, consent to, § 32:10
  - testing, pre-employment, § 32:5
  - testing, purpose of, § 32:2
  - testing, random, § 32:7
  - testing, reasonable cause, § 32:8
- Benefits
  - generally, § 27:5, § 27:8, § 30:8
  - Canada Pension Plan, § 30:11
  - employment benefits, § 30:11
    - see also INSURANCE AND WELFARE PLANS; WORKERS' COMPENSATION
- Burden of proof, § 30:6, § 30:12
  - qualifying for benefits, § 30:8
  - return to work, § 30:13
- Charter, § 30:4
- Deemed termination clause, § 30:15
- Dismissal, § 30:12, § 30:15
- Drafting check-list, § 30:16
- Duty to accommodate, § 30:3
- Employer response, § 30:12
  - alternatives to termination
    - generally, § 30:12
    - absenteeism, § 30:12
    - employee assistance programs, § 30:14
    - inability to work properly, § 30:12
  - discipline
    - generally, § 30:12
    - absenteeism, § 30:12
    - application of discipline procedures, § 30:12
    - inability to work properly, § 30:12
- Employment standards, § 30:5

**ILLNESS AND DISABILITY****—Cont'd**

- Human rights
  - see HUMAN RIGHTS
- Loss of seniority, § 30:15
- Medical examination
  - see MEDICAL EXAMINATIONS
- Notification of employer, § 29:6, § 30:7
- Proof of recovery, § 30:13
- Reasonable accommodation, § 30:3
- Rehabilitative potential, § 30:14
- Return to work, § 30:13, § 31:6
- Sample clauses, § 30:1
- Severance pay, § 23:11
- Sick leave, § 29:6, § 30:3
  - see also LEAVE OF ABSENCE
- Union's obligation, § 30:3

**IMPROPER WORK ASSIGNMENT**

- See WORK ASSIGNMENT

**INCARCERATION**

- Explanation for absence from work, § 29:5

**INCOMPETENCE**

- See DISCIPLINE AND DISCHARGE

**INDEPENDENT CONTRACTORS**

- See CONTRACTING OUT

**INJUNCTIONS**

- See REMEDIES

**INNOCENT ABSENTEEISM**

- Generally, § 30:12

**INSUBORDINATION**

- See DISCIPLINE AND DISCHARGE

**INSURANCE AND WELFARE PLANS**

- Generally, § 27:2, § 30:1

**INSURANCE AND WELFARE PLANS—Cont'd**

Benefits after age 65 and plan discrimination, § 27:11

Claims, § 27:5

Common benefits, § 27:3

Disability benefits, § 30:9

Drafting check-list, § 27:12

Eligibility, § 27:10

Entitlement to benefits

generally, § 27:6 to § 27:9

discharge, § 27:9

illness or disability, § 27:8

lay-off, § 27:6

leave of absence, § 27:6

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 BARGAINING

**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

**JOB CLASSIFICATIONS AND DESCRIPTIONS—Cont'd**

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 ASSIGNMENT

**JOB POSTING**

See also PROMOTION, DEMOTION 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 remedies for, § 9:19, § 9:33
- Remedies relating to duty to bargain in good faith, § 8:16 to § 8:24
- Unsafe work complaints, § 34:3

**LABOUR MOVEMENTS**

- Generally, § 2:1 to § 2:21
- 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
- Employee privacy, § 1:33
- 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

**LAY-OFF—Cont'd**

- Temporary, § 23:4, § 23:8
- Termination of operations, § 23:6

**LEAD HAND**

- Generally, § 17:9

**LEAVE OF ABSENCE**

- See also ILLNESS AND DISABILITY
- Generally, § 20:2
- Adoption leave
  - see MATERNITY, ADOPTION AND PARENTAL LEAVE
- Bereavement leave, § 20:7
- 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 STANDARDS LEGISLATION; LABOUR RELATIONS LEGISLATION
- Generally, § 1:5 to § 1:31

**LETTER OF UNDERSTANDING**

- Drafting checklist, § 39:4
- Enforceability, § 39:3
- Purpose, § 39:2
- Ratification, § 39:2
- Sample form, § 39:1

**LOCK-OUT**

- Generally, § 9:16 to § 9:25, § 35:4

**LOCK-OUT—Cont'd**

- Bargaining rights
  - revocation, application for,  
§ 9:53
- 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
- Illegal, § 9:25
  - board remedies, § 9:25
  - grievance and arbitration, § 9:25
- Legal, § 9:24
- Return to work following, § 41:1,  
§ 41:2

**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

**MANAGEMENT—Cont'd**

- Relationship with union—Cont'd
  - 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
- 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
- Employee privacy rights, § 13:3.50
- 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

**MATERNITY, ADOPTION AND PARENTAL LEAVE—Cont'd**

- Employment standards, § 20:4
- Maternity leave, § 14:7, § 14:11, § 20:4, § 20:8
- Parental leave, § 20:8
- Sample clauses, § 20:1

**MEDIATION**

- Generally, § 6:63

**MEDICAL CERTIFICATE**

- Generally, § 31:5, § 31:6
- Proof of recovery, § 31:6
- Sample clauses, § 31:1
- Upon illness or disability, § 31:5
- Upon return to work, § 31:6

**MEDICAL EXAMINATIONS**

- Annual, § 31:4
- Bona fide occupational requirement, § 31:4
- Drafting check-list, § 31:9
- Following illness or disability, § 31:5
- Human rights, § 31:4, § 31:7
- Medical fitness, § 31:4
- Pre-employment, § 31:3
- Proof of illness or disability, § 30:6
- Purpose of, § 31:2
- Release of medical information, § 31:8
- Return to work, § 30:13, § 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

**MEMBERSHIP—Cont'd**

- 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

**MUTUAL GAINS BARGAINING**

—Cont'd

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

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 BARGAINING

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 DISCHARGE

**OFF-DUTY CONDUCT**

See COMPANY RULES; DISCIPLINE AND DISCHARGE

**OFFER**

Acceptance, § 9:3

Extinguishment by strike or lock-out, § 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

Termination, employee rights upon, § 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

**PICKETING—Cont'd**

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

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

Non-discrimination and human rights, § 14:7, § 14:11

Sample clauses, § 14:1, § 20:1, § 30:1

**PREMIUMS**

See OVERTIME; SHIFT  
PREMIUM

**PRIVACY**

See also MANAGEMENT  
RIGHTS

Drug testing, § 32:1 to § 32:13

Employee privacy, § 1:33  
rights, § 1:3, § 13:3, § 13:3.50,  
§ 36:4

Management rights versus  
employee privacy, § 13:5

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

**PROMOTION OF INDUSTRIAL  
PEACE**

See also ESSENTIAL SERVICES  
Generally, § 9:51

**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

**PUBLIC SECTOR—Cont'd**

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

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  
Plant shut-downs, § 9:35 to § 9:41  
Prosecution, § 9:22  
Reinstatement, § 9:25  
contracting out, § 9:26 to § 9:28  
discharge or suspension, § 9:23  
lay-off, § 13:8  
bumping, § 13:8  
promotion, § 13:8  
refusal to obey unlawful order,  
§ 13:9

**REMEDIES—Cont'd**

Reinstatement, § 9:25—Cont'd  
unfair bargaining, § 8:16 to  
§ 8:24  
union security  
dismissal of employee, § 9:47  
Union members  
see MEMBERSHIP

**REORGANIZATION OF  
WORKPLACE**

Generally, § 17:11, § 24:4

**REPLACEMENT LABOUR**

Generally, § 9:26 to § 9:28

**REST BREAKS**

Generally, § 16:9

**RETIREMENT**

Compulsory, § 13:15, § 14:6

**RETURN TO WORK  
AGREEMENT**

Generally, § 41:1 to § 41:3

**RIGHT TO WORK**

Generally, § 15:2

**RULES**

See COMPANY RULES

**SABOTAGE**

See DISCIPLINE AND DIS-  
CHARGE

**SAFETY**

Generally, § 34:2  
Drafting check-list, § 34:7  
Employers' obligations, § 1:23  
Equipment and clothing, § 33:1,  
§ 34:1  
Health and safety committee,  
§ 34:1, § 34:4, § 34:5  
Incentives, § 34:6  
Internal procedures, § 1:27  
Legislation, § 1:21 to § 1:30, § 34:3  
enforcement of, § 1:25

**SAFETY—Cont'd**

- Refusing unsafe work, § 1:26,  
§ 34:3, § 35:9
- Responsibility for, § 34:5
- Sample clauses, § 34:1
- Standards, § 1:22
- Workers' obligations, § 1:24
- Workplace hazards, § 1:29

**SALE OF BUSINESS**

- Generally, § 9:40, § 26:8, § 26:9
- Contracting in and out, § 26:8
- Seniority and, § 22:6
- Subcontracting, § 9:39, § 9:40,  
§ 26:8
- Successorship policies, § 26:9

**SCHEDULES**

- See MANAGEMENT RIGHTS;  
PROMOTION, DEMOTION  
AND TRANSFER;  
REASONABLENESS;  
WORKING HOURS AND  
SHIFTS

**SENIORITY**

- Acquisition, § 22:3
- Applications
  - lay-off
    - see LAY-OFF
  - movement into bargaining unit,  
§ 22:10
  - promotion, demotion and transfer
    - see PROMOTION, DEMO-  
TION AND TRANSFER
  - recall
    - see RECALL
- Calculation of, § 22:3
- Drafting check-list, § 22:12
- 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

**SENIORITY—Cont'd**

- Skill and ability, § 22:7
- Super seniority, § 22:9
- Termination of seniority, § 22:5
- Transfer, § 22:10
- Union officials, § 22:9
- Work interruptions, § 22:4

**SETTLEMENT**

- Memorandum of, § 40:1 to § 40:3

**SEVERANCE PAY**

- Generally, § 23:11
- Benefits, continuation of, § 27:6
- Business shut-down, § 23:6
- Employment standards legislation
  - group termination, § 23:9
  - notice of termination, § 23:10
  - statutory severance pay, § 23:11
  - technological change, § 25:4,  
§ 25:8

**SEX DISCRIMINATION**

- See DISCRIMINATION

**SEXUAL HARASSMENT**

- Generally, § 1:14, § 14:20
- Occupational health and safety
  - legislation, § 1:28
- Prevention of, § 14:22
- Sample clauses, § 14:1
- Violence, § 14:22

**SEXUAL ORIENTATION**

- Generally, § 1:8 to § 1:20, § 14:14
- Gender identity and gender expres-  
sion, discrimination on basis  
of, § 14:16
- Non-discrimination and human  
rights, § 14:7, § 14:15, § 14:16
- Occupational health and safety
  - legislation, § 1:28
- Sex, discrimination on basis of,  
§ 14:7
- Violence and harassment, § 1:28
- Violence and harassment, preven-  
tion of, § 14:22

**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

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**Bargaining rights  
revocation, application for,  
§ 9:53Cooling-off period, provincial  
variations, § 9:17

Decline in, § 9:14

Defined  
generally, § 9:15, § 35:3**STRIKE—Cont'd**

Defined—Cont'd

common understanding and  
activity, § 9:15

element of purpose, § 9:15

hot cargo clauses compared,  
§ 9:15, § 35:8objective and subjective ele-  
ments, § 9:15

refusal to do work, § 9:15

Discharge of employees during,  
§ 9:34Effect on union-management rela-  
tionship, § 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

employee liability, § 9:19, § 9:20

grievance and arbitration reme-  
dies, § 9:20, § 35:3labour board determination,  
§ 9:19

remedies, § 35:5

union liability, § 9:19, § 9:20

Legal, conciliation as precondition,  
§ 9:17

Legalizing, § 9:17

No strike or lock-out clauses, § 35:1  
to § 35:3

Provincial variations, § 9:17

resolution techniques, § 9:17

secret ballots, § 9:17

Recall of striking employees,  
§ 9:17, § 9:28Refusal to cross picket line, § 9:18,  
§ 35:7Replacement workers, § 9:26 to  
§ 9:28

**STRIKE—Cont'd**

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

Right to employment, § 9:17,  
§ 9:28

Right to strike

generally, § 9:17, § 35:3

common law, § 9:17

guarantees, § 9:17

restrictions

timeliness, § 9:17

voting requirements, § 9:17

Security during, § 9:27

Status of striking employees,  
§ 9:17, § 9:28, § 9:34

Strike-breakers, statutory prohibi-  
tions, § 9:26 to § 9:28

Types of, § 9:9

Voting

see VOTING

**SUBCONTRACTING**

See CONTRACTING OUT

**SUBMISSION TO ARBITRATION**

See GRIEVANCE PROCEDURE

**SUCCESSORS**

See also CONSTRUCTION  
INDUSTRY

Generally, § 26:8

**SUPER SENIORITY**

Union officials, § 15:8, § 22:9

**SUPERVISORS**

Generally, § 17:9

Excluded by recognition clause,  
§ 17:9

Promotion out of unit, § 22:10

Return to unit, § 22:10

**SUSPENSION**

See DISCIPLINE AND DIS-  
CHARGE

**TECHNOLOGICAL CHANGE**

See also JOB CLASSIFICATIONS  
AND DESCRIPTIONS;

MANAGEMENT RIGHTS

Generally, § 9:41, § 13:11, § 25:1  
to § 25:9

Defined, § 25:3

Drafting check-list, § 25:9

Legislated standards, § 9:41, § 25:4

Notice of, § 25:5

Preventing, § 25:6

Remedies, § 25:8

Rights of employees, § 25:7

Sample clauses, § 25:1

**TEMPORARY, CASUAL AND  
PART-TIME EMPLOYEES**

Generally, § 17:4

Vacation entitlement, § 19:3

Wage structure, § 21:6

**TEMPORARY ABSENCE  
PROGRAM**

See LEAVE OF ABSENCE

**TEMPORARY ASSIGNMENTS**

Generally, § 7:6, § 21:7

**TERMINATION**

See also DISCIPLINE AND DIS-  
CHARGE

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

**TIME-LIMITS—Cont'd**

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 ACCOMMODATION

**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

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

relocation, § 9:37, § 9:38

Collective bargaining, § 9:52

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

Privacy, breach of, § 9:52

Rehiring strikers after strike, § 9:28

**UNFAIR LABOUR PRACTICES****—Cont'd**

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**

See also HUMAN RIGHTS; HUMAN RIGHTS COMPLAINTS BY UNION MEMBERS AGAINST 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

Centrale des Syndicats

Dmocratiques, § 2:3 to § 2:13

Chemical Energy Paper Workers Union, § 1:2

Christian Labour Association of Canada, § 2:13

Committees, § 15:8

Communications and buttons, § 9:43

Confederation des Syndicats Nationaux, § 2:3 to § 2:13

Control of grievance, § 2:11, § 36:8

Corruption, § 2:12, § 4:21

**UNION—Cont'd**

- Democracy, § 2:11
- Discipline, § 9:45 to § 9:49, § 41:2
- Dues
  - see DUES
- Duties
  - check-off regulation, § 15:6
  - fair representation of all employees, § 2:19, § 36:9
  - non-discrimination, § 14:3
- Expulsion from, § 9:46 to § 9:48, § 15:3
- Federation des Travailleurs du Québec, § 2:3 to § 2:13
- Fines, § 9:49, § 15:3
- Goals, § 2:18, § 2:19
- Grievance
  - see GRIEVANCE
- Health Services and Support Facilities Subsector Bargaining Association, § 5:1
- Human rights complaints by union members against union, § 2:20
- Input for collective bargaining, § 5:7
- International unions, § 2:6
- Leave for union activities, § 15:1, § 15:13, § 20:1
- Liability for unlawful strike, § 9:19, § 9:20
- Literature, § 15:1, § 15:15
- Local, § 2:9
- Meetings, § 15:10
- Membership
  - see MEMBERSHIP
- National unions, § 2:7
- Office space, § 15:1, § 15:17
- Officials
  - generally, § 15:8, § 22:9
  - rights and responsibilities
    - representatives, § 15:1
    - sample clauses, § 15:1
    - super seniority, § 15:8, § 22:9
- Politics, § 2:10
- Raids, § 4:9

**UNION—Cont'd**

- Recognition, § 8:4
- Relationship with management, § 2:16
  - accommodation, § 4:19
  - attitudinal relationship
    - generally, § 4:1 to § 4:5
    - legitimacy, § 4:2
    - prevailing attitude of friendliness or hostility, § 4:4
    - prevailing attitude of individualism or co-operation, § 4:5
  - trust, § 4:3
- 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
- newly certified union, § 4:12
- ongoing relations, § 4:13
- personalities, § 4:7
- strike, § 4:11 to § 4:15
- Representation during grievance procedure, § 36:9
- Revocation of membership, § 9:47
- Security
  - generally, § 9:46, § 15:2 to § 15:4
  - check-off, § 9:46, § 15:6
  - closed shop, § 15:2
  - closed shop versus agency shop, § 15:2
  - finances for picket line crossers, § 9:49
  - legal limits, § 15:3
    - dismissal of employee, § 15:3
  - maintenance of membership clause, § 15:2
  - religious exemptions
    - see RELIGION
- Shop stewards, § 15:8
- Solidarity, § 9:45 to § 9:49

**UNION—Cont'd**

- Strikes and lock-outs
  - see STRIKE; LOCK-OUT
- Supplying employees, § 15:1, § 15:19
- United Auto Workers UAW, § 1:2

**UNION DUES**

- See DUES

**UNION-MANAGEMENT RELATIONS**

- Improving, § 4:23

**UNION MEMBERSHIP**

- See MEMBERSHIP

**UNLAWFUL STRIKE**

- See LOCK-OUT; STRIKE

**VACANCY**

- See also JOB POSTING
- Generally, § 24:2
- Changing jobs, § 24:4
- Job posting, § 24:5
- New jobs, § 24:3
- Restructuring, § 24:4
- Sample clauses, § 24:1
- Standard in filling, § 24:6

**VACATION**

- Generally, § 19:2
- Accrued vacation, § 19:5
- Computation of vacation and vacation pay, § 19:4
- Drafting check-list, § 19:6
- Employment standards, § 19:3
- Sample clauses, § 19:1

**VOLUNTARY OVERTIME**

- See OVERTIME

**VOTING**

- Final offer, § 9:44
- Strike
  - generally, § 9:17
  - pre-condition, § 9:17
  - supervised by board, § 9:17
  - who is eligible, § 9:17

**WAGES**

- Generally, § 21:2
- Acting pay, § 21:7
- Adjustments, § 21:3
- Alteration of wages, § 21:8
  - see also JOB CLASSIFICATIONS AND DESCRIPTIONS
- Call-in pay, § 16:7
- Change in job function, § 21:8
- Drafting check-list, § 21:11
- Equal pay for equal work
  - see PAY EQUITY
- Management rights, § 13:1, § 13:3
- Minimum wage, § 21:3
- Overtime pay
  - see OVERTIME
- Part-time employees, § 21:6
- Pay levels by classification, § 21:4
- Performance of work outside classification, § 21:4
  - see also JOB CLASSIFICATIONS AND DESCRIPTIONS
- Rates for new and revised classifications, § 17:11
- Roll-backs, § 21:9
- Shift differentials, § 21:5
- Skill, § 21:4
- Temporary assignments, § 21:7
- Temporary employees, § 21:6

**WATNA**

- See WORST ALTERNATIVE TO A NEGOTIATED AGREEMENT

**WELFARE PLANS**

- See INSURANCE AND WELFARE PLANS

**WORK ASSIGNMENT**

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

**WORK ASSIGNMENT—Cont'd  
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

Clean-up time, § 16:10

Disconnect, right to, § 16:3.50

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

**WORKING HOURS AND SHIFTS**

**—Cont'd**

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