



## EC Collective Bargaining 2014: Time Commitment

Each round of bargaining is different, and each table in a round of bargaining is different. As such, the following is only a general indication of the time commitment expected of members volunteering for the 2014 round of collective bargaining.

The bargaining process can include two or three steps: (1) preparation for the table; (2) bargaining at the table; and (3) in some circumstances, arbitration or conciliation-strike (EC members will tell the bargaining committee whether they choose arbitration or conciliation-strike as a resolution process in the event of an impasse at the bargaining table; they are asked to express their choice when the bargaining committee goes to the bargaining unit for input using a bargaining input questionnaire).

### Preparation

The objective of the preparation stage is to complete a brief for the bargaining table that will include the EC bargaining unit's proposals for changes to the collective agreement. Preparation of the brief takes several months. It is anticipated that the current round will **begin in June 2013 and end in May 2014** (it is important to note that the scheduling of the first meeting at the bargaining table is done jointly by the union and employer bargaining teams). Preparing the brief will require several meetings of the bargaining committee. Factors that can influence the time commitment for the preparation of the brief include the complexity of the issues that the bargaining committee expects to see on the table, the size of the bargaining committee, and the availability of bargaining committee members.

It is the bargaining committee that decides whether it meets during the day or evenings. Meetings during the day are usually scheduled from 9am to 4pm, sometimes for half-days as decisions made by the bargaining committee may require research before the committee can move on to a new matter. Meetings in the evening are usually from 5pm to 8pm. Therefore, it takes about twice as many evening meetings as day meetings to prepare for the table.

When meetings occur during the day, members of the EC bargaining committee will request unpaid leave, pursuant to Article EC-14.11 for the preparation stage and pursuant to Article EC-14.10 for time at the bargaining table. CAPE reimburses members for lost wages.

A normal round of bargaining will require approximately 30 to 40 hours for reading documents prior to meetings, and 40 to 50 hours of meeting time. Because some of the issues that can already be expected on the table in this round are very complicated,

members should be looking at **from 40 to 50 hours to prepare for meetings, and 50 to 60 hours of meetings**. It is unlikely that the time commitment will turn out to be less; it is possible that preparation will require more time.

## **Bargaining Table**

The objective at the bargaining table is to bargain in good faith with the intention of coming to an agreement. We all know that this is not always possible, as demonstrated in the previous round. Nevertheless, the law requires that we do what we can; and we do so, keeping in mind the membership's interests and priorities.

Not everyone on the bargaining committee is a member of the bargaining team that goes to the table. The EC bargaining committee can include up to eighteen volunteer members. However, the bargaining team can include only six, plus two alternates. Therefore, it is possible for a member to volunteer for the bargaining committee only, and not volunteer for the bargaining team. In terms of time commitment, this would mean that a member could commit essentially to the hours of work required to prepare proposals, and not commit to the hours of work at the bargaining table.

For those members who are chosen by the bargaining committee for the bargaining team, the bargaining table commitment depends to some extent on the employer, strategy, and on independent events that can affect the course of bargaining, such as elections. Usually bargaining sessions occur regularly **every six weeks**. Each session lasts **three or four full days**, normally Monday through Thursday, from 9am to 5pm.

As a reference point, it can be noted that in past rounds proposals were exchanged at the table in late June or early July. The summer was used to go over the other party's proposals, carry out research and prepare responses. Then the parties would meet in late September to explain proposals and answer questions. Then the six-week cycle would begin and would last **seven or eight cycles** for a total of a year's duration (from 21 to 32 full days in a period of about a year). It should be noted that CAPE and other unions have tried in the past to compel the employer to meet more frequently in order to accelerate the bargaining process, but to no avail.

If there is an agreement at the bargaining table, the "tentative agreement" is submitted to the EC membership for a ratification vote. If the EC membership votes in favour of the tentative agreement, then the work of the bargaining committee is complete. If the EC membership votes against the tentative agreement, then the committee must resume bargaining. The time commitment in such circumstances is difficult to predict.

If and only if there is an impasse, bargaining has a third stage.

## **Impasse Resolution**

If there is an impasse at the table, the bargaining team must meet in order to discuss the next steps.

Where the EC bargaining unit instructed the bargaining committee during the preparation stage to resolve impasses through arbitration, the bargaining team has a meeting to decide what outstanding union proposals go to the arbitration panel. Thereafter, members of the bargaining team must make themselves available for decisions during the preparation for arbitration and for arbitration. The parties may decide to try mediation. The parties may be asked by the arbitration panel to consider resolution of specific matters. Team members must be available to make decisions. Mediation can take one or two full days, from 9am to 5pm. Arbitration takes two to three full days, from 9am to 5pm.

Where the committee has been instructed by the EC membership to use conciliation-strike to resolve impasses, the bargaining team meets to decide what proposals to take to the conciliator. Following the conciliator's report, the team decides on next steps. However, it would be up to the National Executive Committee to organize a strike or related work place action.

## **Summary**

The time commitment of a member of the EC bargaining committee over a period of approximately a year can be as little as 90 hours, or can be more than 110 hours. A member chosen to be on the bargaining team should add another 160 to 240 hours during a second period of about a year. If there is an impasse, a few more days of work will be required of the members of the bargaining team, over a period of a few weeks.

Members are advised to talk to their supervisors before volunteering for bargaining: entitlement to leave without pay under Article EC-14.10 and Article EC-14.11 can be refused by reason of operational requirements. While the bargaining committee may decide to meet in the evening, meetings of the bargaining team at the bargaining table are invariably during the day and will require the approval of leave under Article EC-14.10.