



# It's your future

Your bargaining team has decided it's time for you to have a direct voice in the course of bargaining. That's why we have called for a strike vote on April 19.

We have made minimal progress on the critical issues of wages, rights for contract staff, seniority and hours of work. We have given OPAC several positions in an attempt to move toward a fair settlement, but we have had no response from our employer.

It appears that OPAC thinks the job of bargaining is finished. It thinks you will be happy with the current offer, and it has no reason to make it better. We had hoped that the appointment of a conciliation officer would enable us to move closer. But in three days of conciliation at the end of March, all we got was a few tweaks on secondary issues. Clearly it was not enough.

The bargaining team recognizes that OPAC will not improve their offer without pressure from you – our members. That is why the team has called on you for a strike vote. A strong strike vote will give the bargaining team the mandate to go to the table for a better offer and, if necessary call a strike.

It's a big decision. This "Q & A" will give you the information you need to make that decision.

# Strike VOTE Q&A

April 10, 2000

**We have given OPAC several positions in an attempt to move toward a fair settlement, but we have had no response from our employer.**

**OPAC will not improve its offer without pressure from the members. That is why the team has called on you for a strike vote.**

**The bargaining team needs the support of the members to bargain a good agreement.**

## **Q: Why is the Union calling the vote?**

OPAC's offer falls far short on the critical issues of wages, rights for contract staff, seniority and hours of work. The bargaining team needs your support to bargain a good agreement. It needs your support in the form of a strike mandate. This will give the bargaining team the leverage it needs at the table. It will give the team the mandate to go to the table for a better offer and if necessary, call a strike.

## **Q: When is the Vote?**

The vote will take place April 19. You will be told the time and place for the vote in your area.

## **Q: What am I voting on?**

The wording on the ballot will be:

“YES, I accept the employer's latest contract offer.

“NO, I reject the employer's latest contract offer and authorize the bargaining team to call a strike if necessary.”

## **Q: What happens if I vote YES?**

If you vote yes, your bargaining team will sign the current offer and it will become your collective agreement. In effect, you have ratified the employer offer. There will be no further bargaining and no changes to the employer's position.

**If you vote no, you are authorizing your bargaining team to return to the table to get a better contract.**

## **Q: What happens if I vote NO?**

If you vote no, you are authorizing your bargaining team to return to the table to get a better contract. You are also telling the employer that you are prepared to strike, if necessary, to back your contract demands. You put your bargaining team in a much stronger position to seek real gains at the table.

## **Q: Can contract staff be fired or laid off for voting to strike?**

Absolutely not. It is illegal to fire anyone for participating in legitimate trade union activity. It is illegal to threaten to fire anyone for this activity. If there is a strike, the back-to-work protocol would protect all members who participate.

## **Q: What are the issues?**

### **1. Wages**

OPAC is offering no wage increase for 1999. It is prepared to give a lump sum for that period, but it would not be part of the continuing wage rate.

OPAC insists that PA3s will get no increase for all three years of the contract. PA3s on current staff would get lump sum payments. New PA3s would not get even that. This introduces two-tier wages for one of the key classifications in our workplace – a bad precedent to set. It is designed to hold back PA3 rates while other classifications move higher. The PA3 rate was set in arbitration after a lengthy hearing. It is correct in comparison with similar jobs. If the internal structure is wrong, then other people should get appropriate raises.

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### **2. Seniority**

OPAC will recognize seniority – as long as it doesn't mean anything. We insist that layoff be on strict reverse seniority, and that seniority be an important factor in deciding promotions.

Without meaningful seniority, any workplace is wide open to management favouritism and abuse. Seniority is one of the most important concepts behind a strong collective agreement. It's easy to measure and it's fair.

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### **3. Rights for contract staff**

We need rules to prevent the abuse of contract staff. We are looking for a commitment that you have a right to a full-time permanent job after two years on contract.

This issue affects everyone, as nothing in the OPAC offer would prevent them from laying off full-time people and re-hiring them on contract. Because contract workers don't have all the benefits of full-timers, they are cheaper for the employer. We don't want OPAC to be tempted into taking this cheaper way out.

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### **4. Hours of work**

OPAC wants to get out of paying overtime. Except for drafting and clerical staff, they want you to work 44 hours in a week before they pay overtime.

And travel time would not count toward getting to 44 hours in a week.

**Why does OPAC want all these changes if it has no intention of using them?**

They also want to do away with the possibility of bargaining flexible schedules and compressed work weeks. They want the unilateral right to change the days you work and the hours you work. They refuse to guarantee two consecutive days off, and they want to take two statutory holidays (Remembrance Day and Easter Monday) and make them into floating holidays – and THEY would decide when you could take them.

Why does OPAC want all these changes if it has no intention of using them?

## **5. Other issues**

There are a host of other issues still outstanding. The key ones are spelled out in the “contract comparison” spreadsheet. You can find the detailed version on the OPSEU web site at [www.opseu.org/bps/bargaining/master.pdf](http://www.opseu.org/bps/bargaining/master.pdf). A summary version is at [www.opseu.org/bps/bargaining/summary.pdf](http://www.opseu.org/bps/bargaining/summary.pdf).

## **6. Concessions**

The Employer also wants concessions. Among them: No language on expenses while on the road (phone calls, laundry, etc); No language on coffee breaks; Leave with or without pay to be at the employer’s discretion only; No language on human rights and harassment; Nothing on lateral transfers; Nothing to say that a car is not a condition of employment.

**If negotiations reach an impasse, either side can call in a conciliator to try to move them forward.**

## **Q: What happens in conciliation?**

Under the Ontario Labour Relations Act, if negotiations reach an impasse, either side can call in a conciliator to try to move them forward. Conciliation continues until the two sides come to an agreement or an impasse is reached. If conciliation results in a contract that the union wants to take to the members, a ratification vote is held. If conciliation does not result in a contract, either side can request a “no board” report. This means that conciliation has failed.

The conciliator usually issues the “no board” report in two to three days. From the day the report is issued there are 14 days to a legal strike or lockout position.

**After the strike vote, we would expect to return to the table, with the help of a mediator, to continue working toward a negotiated settlement.**

## **Q: Has bargaining broken off?**

No. We have been in bargaining with OPAC since Nov. 1, 1999. We moved to the conciliation phase in late March, and had three days with the conciliation officer March 29 to 31. When that failed to get us to a settlement, we asked for a no board report.

After the strike vote, we would expect to return to the table, with the help of a mediator, to continue working toward a negotiated settlement.

## **Q: How would a strike come about?**

The bargaining team is calling a strike vote now to give it a strike mandate. The team will take the strike mandate to the bargaining table to get a deal that is better than OPAC's current offer. If conciliation results in a settlement that the team can recommend, there will be a ratification vote. You will vote to either accept or reject the contract. If conciliation fails to produce a settlement, we will be one step closer to a strike or lockout, as discussed above.

Under the Ontario Labour Relations Act (OLRA), the employer can also require a vote. The employer can only call for a vote once. In the current situation they could call for a vote any time after conciliation fails.

## **Q: What will happen to my benefits if there is a strike or lockout?**

It is OPSEU policy that in the event of a strike it will negotiate continuance of certain insured benefits with the employer. OPSEU will reimburse the premium costs up to an amount that does not exceed the normal monthly premium payment.

Generally, other employer-provided benefits that depend on the collective agreement would not apply to workers who are on strike. This would include short term sick pay, maternity leave top-up and bereavement leave.

## **Q: What will happen to my pension if there is a strike or lockout?**

Neither you nor the employer pay into the pension plan during a strike or lockout. However, when you return to your work your membership in the plan continues and you don't lose any entitlement you had earned up to the date the strike or lockout began.

You are currently in a contribution holiday for the OMERS plan, and OMERS tells us there would be no cost for continuing pension entitlement for the duration of the holiday.

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## **Q: What happens if I am on short-term sick leave if there is a strike or lockout?**

The employer would stop short term sick benefits, but you can apply for Employment Insurance Sickness Benefits. Be sure to keep a copy at home of any medical certificates related to your sick leave that you give to your employer. If you need to take sick leave after a strike or lockout begins, you may also be able to apply for EI sickness benefits if you can show your leave was anticipated and arrangements for it had begun before a strike or lockout started. Inform the employer in writing of the dates of any scheduled surgery and keep a copy for yourself at home.

## **Q: Does my OHIP coverage continue if there is a strike or lockout?**

Yes. OHIP is based on living in Ontario, not being at work. If you had OHIP coverage before a strike or lockout and you keep living in Ontario, your OHIP coverage continues.

## **Q: What happens if I am on EI pregnancy or parental (includes adoption) leave and a strike or lockout starts. Will my EI benefits continue?**

Yes, your EI benefits will continue for the duration of your leave.

## **Q: What if my pregnancy, parental or adoption leave begins during a strike or lockout?**

If you can show you were arranging the leave before the strike or lockout, you will receive your EI benefits. Write the employer about your intent and keep a copy for yourself at home.

## **Q. How much is strike pay?**

OPSEU's strike pay is \$25 a day (\$125 a week) for the first three weeks of a strike, with an additional \$4 a day for each dependent (\$20 a week per dependent).

If a strike goes into the fourth week, strike pay increases to \$40 a day (\$200 a week). There is no change in the additional payment for dependents.

## **Q. What do I have to do to get strike pay?**

Normally, you are required to picket or perform other assigned strike duties for four hours a day in order to collect strike pay. Other duties could include gathering strike supplies, producing strike communications, strike committee work and so on.

## **Q. Do contract staff get strike pay?**

If they perform strike duty. Everyone who performs strike duties is entitled to strike pay.

## **Q. What about my mortgage? Car loan?**

This is far from the first strike that your lending agency has experienced. Lenders know what it means for someone to be on strike and can easily arrange a more flexible repayment schedule. The important thing is to talk it over with your lender so they know what is happening. If you have problems with your lender, a member of your strike committee can help you explain the situation.

**Lenders know what it means for someone to be on strike and can easily arrange a more flexible repayment schedule.**

## **Q: Do I have benefit coverage if I am on pregnancy, parental or adoption leave during a strike or lockout?**

Yes, you are entitled to benefit coverage while on leave, as long as you pay your share of pension contributions and benefit premiums. If your portion is paid, then the employer must make its contributions and continue your coverage.

## **Q: If I am getting WSIB benefits, will they continue during a strike or lockout?**

Yes, provided you continue to qualify medically and co-operate with WSIB-approved programs. Be sure to notify WSIB within 10 days of the start of a strike or lockout, since this may be viewed by WSIB as a “material change in circumstance.”

## **Q: What happens if my pre-approved vacation time falls during a strike or lockout? Will I get paid?**

The Employment Standards Act provides for limited protection of vacation entitlement. If you have taken no vacation for at least 12 months immediately before a strike or lock-out begins, and your pre-approved vacation falls during the strike or lock-out, the employer has an obligation to pay you two weeks vacation pay of no less than 4 per cent of wages, either during or after the lock-out. However, the Director of Employment Standards has the power to order the employer to pay during the strike or lock-out.

## For more information, contact:

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