



CAAT-A

COLLEGES
ACADEMIC
DIVISION



Bargaining information for OPSEU members in the CAAT-Academic Division

Colleges Collective Bargaining Act – FAQ

Q: What determines the rules of bargaining?

A: The Colleges Collective Bargaining Act, CCBA (October 8, 2008).

Q: Do the Colleges have the legal right to impose new terms and conditions of employment?

A: Yes, Section 15 (b) of the CCBA gives them that authority.

Q: Have the legal requirements set out in Section 15 been met?

A: Yes. In October, the Colleges demanded that the conciliator to file his report. The report states that the parties have not yet reached an agreement. The Minister received that report, and 16 days have passed since then. [CCBA Section 21 (1) (a), (b), and (d)]

Q: Do other employers in Ontario have this power to impose terms and conditions?

A: Yes, it exists in the Ontario Labour Relations Act (OLRA) and other bargaining acts.

Q: Why is it not used more often then?

A: The power to unilaterally impose terms and conditions of employment is extremely rarely used. Employers know that it does damage to labour relations and historically has never succeeded in resolving problems.

Q: Why have the Colleges used the imposition of terms and conditions this time?

A: The revised CCBA provides this new bargaining tool in the College system. The imposition of terms and conditions is an action designed to undermine or break a union more than to resolve a bargaining dispute.

Q: Doesn't the employer have to declare a lockout before imposing terms and conditions?

A: Under the regular provisions of the OLRA an employer must declare a lockout prior to imposing terms and conditions. That requirement was omitted from the CCBA. If the Colleges had been required to declare a lockout, it is unlikely that they would have unilaterally imposed terms and conditions.

Q: What about a vote on these terms?

A: The Colleges do have a right to take a vote on their offer. This is a new provision of the CCBA. The union invited the Colleges to take such a vote. The Colleges refused and instead imposed their terms and conditions with no vote.

Q: Does the Act require a vote on imposed terms and conditions?

A: A vote is not required under the CCBA. Provided the employer meets the requirements to impose terms and conditions, those terms and conditions can stay in place until the employer changes them.

Q: What has to happen before there is a strike?

A: Section 17 of the CCBA covers strikes. In addition to the requirements regarding the conciliator, the union must also get a vote in favour of a strike mandate from the membership and give 5 days notice to the Colleges.

Q: Is everyone on strike then if the union calls a strike?

A: The union does not and cannot demand that members perform strike duties. No person shall act as a professional strike breaker. [Section 50 (1)].

Q: If a college votes not to go on strike can they still be on strike?

A: Yes, the vote is a province-wide vote, in keeping with the province-wide contract and legislation.