

QUFA Glossary of Bargaining Terms

Bad Faith Bargaining – please see the CAUT bargaining advisory for a detailed discussion of these practices.

Bargaining Agent -the Union named as the exclusive representative for all the people covered by the collective agreement.

Bargaining Bulletin –a newsletter sent to members of the bargaining unit during negotiations to keep them up to date about the progress of bargaining.

Bargaining Team –both QUFA and the Employer have Bargaining Teams.

Bargaining Survey –a questionnaire sent out by the Local to all members of the bargaining unit to assist in the drafting of bargaining proposals. These are designed to both inform and garner information from Members.

Bargaining Unit –all of those employees (Regular, Special and Adjunct Faculty, Librarians and Archivists) represented by the bargaining agent (QUFA) whether they are members of the Association or not. Association Members are those who have voluntarily signed a Membership Form. EVERYONE pays the same dues.

Caucus –an informal meeting of the bargaining team, away from the bargaining table, to discuss, clarify, or solidify positions on issues.

Collective Agreement, Agreement, Contract –a legally-binding written contract, arrived at through the process of negotiation, which covers the employee's wages, hours, and terms and conditions of employment. A written agreement between the Union and the Employer is for a definite term, defining conditions of employment (wages, hours, benefits, working conditions, etc.) rights of employees and the processes for resolving disputes or handling issues that arise during the term of the agreement.

Collective Bargaining –a process where the Union and Employer, make offers and counter-offers back and forth regarding their employment relationship, for the purpose of arriving at a mutually acceptable agreement.

Concessions – are requested by the Employer to reduce or eliminate benefits and/or other conditions of employment which heretofore have existed.

Conciliation –a stage in negotiations that involves a neutral third party from the Ministry of Labour who attempts to assist the parties in resolving their differences by suggesting possible areas of compromise, clarifying issues and using other techniques designed to bring the parties closer together. Conciliation occurs after a No Board Report has been filed.

Cooling Off Period – the 17-day waiting period between Conciliation and Job Action during which time the parties may engage in Mediation.

Cost-of-Living Adjustment (COLA) –raising or lowering salaries in accordance with cost of living as measured by the Consumer Price Index.

Estoppel -a long-standing practice that is acknowledged by both parties that one party is now trying to change to the detriment of the other party.

Exclusive Negotiation Rights -the right and obligation of Union to negotiate collectively for all employees in the Bargaining Unit.

Final Offer –under the Labour Relations Act, the Employer can force a vote of the collective agreement to the membership on their “final offer,” however the Employer can only do so once.

Impasse –a point reached by in the process of bargaining by both parties agree that they can go no further in the process of proposal or counter- proposal. The parties best offers are offers are “on the table,” none of which are acceptable to the other party, bringing them to a point of impasse.

Imposition of a contract –the imposition of terms and conditions of employment by the employer after the strike/lockout deadline. Imposed terms and conditions must have been those proposed by the employer at the bargaining table. A union’s only courses of action are to accept the terms and conditions or to go on strike.

Interest Arbitration –a process whereby the parties submit unresolved contract to an impartial third party who will render a final and binding decision on the terms and conditions of a collective agreement.

Job Action – either the Association initiates the withdrawal of labour (strike) or the Employer prevents employees from working (lockout) or both simultaneously.

Job Action Committee –a committee made up of members of the Association who assists the bargaining committee primarily through preparation for job action (lockout or strike). Members of the Job Action Committee do not sit at the table for negotiations.

Lockout –when management locks workers out of their workplace and refuses to allow workers to work.

Managements Rights Clause -a provision in the collective agreement that lays out areas where the employer retains discretion or control.

Mediation –when the parties have exhausted the possibility of reaching an agreement with a conciliator (assigned by the Ministry of Labour), one or both may ask to file for a No Board Report from the Ministry. Once a No Board Report is issued, a 17-day waiting period (Cooling Off Period) is initiated during which neither party can engage in job action. The parties may continue to negotiate with a Mediator (usually the same person who was assigned as Conciliator by the Ministry) who attempts to assist the parties in resolving their dispute. The function of mediation is to assist the parties by being creative and innovative in finding areas of agreement and compromise to reach resolution.

Negotiations –the process by which the bargaining team bargain to set wages, hours, terms and conditions of employment, and the processes for handling grievances.

Negotiation Rights (Bargaining Rights) –legally recognized right to represent employees in negotiations with employers.

No Board Report -a report filed by the conciliator if the process of conciliation fails. Filing the report triggers a 17-working day (generally 21 calendar days) cooling off period before a strike/lockout deadline.

Ontario Labour Relations Act –the provincial legislation that governs the process of bargaining, as well as other rules governing unions and the administration of collective agreements.

Past Practice –a long established practice of a recurring situation over a substantial period of time which has been recognized by both parties.

Ratification -the process of approving a tentative agreement. A new contract can only be signed and become effective following ratification by both parties. QUFA members ratify through a democratic vote. Queen’s University Board of Trustees ratifies by approving the terms of a tentative agreement.

Ratification Vote –when the Bargaining Team decides they have a tentative agreement, they bring it to the members for a vote (see the Bargaining Protocol for more details). If the ratification vote is affirmative (majority approves) and the Employer ratifies, the new collective agreement comes into effect. If the members turn down the agreement, the bargaining committee goes back to the table. Under the Labour Relations Act, the Employer can force a vote to the membership on their “final offer,” however the Employer can only do so once.

Recognition –employer acceptance of the Union as authorized to negotiate for a specific group of employees.

Recognition Clause -the section of the Collective Agreement that stipulates who is in and out of the Local Bargaining Unit.

Reopening Clause –a stipulation within a multi-year contract which provides and allows for negotiations to be periodically reopened on some specifically stated items or provisions. Such a clause in a collective agreement states the time or circumstances under which negotiations can be requested prior to the expiration of contract.

Side Table –these are “off-the record” informal discussions between representatives of the parties to seek a non-binding position on issues away from the bargaining table.

Strike Pay –financial assistance provided to striking or locked-out members from QUFA accounts. See QUFA Policies for more details.

Strike –a collective action taken by all workers in a bargaining unit to put pressure on the Employer to take their concerns seriously by withdrawing all their labour.

Strike Mandate Vote –a democratic vote by members to agree to strike under specified conditions, generally if an acceptable tentative agreement cannot be reached with the employer. An affirmative strike mandate vote sends a clear message to the Employer that the members stand behind the Bargaining Team and the proposals that the Association put forward.

Tentative Agreement –the point in the collective bargaining process where all issues have been resolved between the parties and the tentative agreement is waiting to be ratified by the parties. A tentative agreement can also refer to individual bargaining proposals to which there has been mutual agreement. The parties often have these tentative agreement signed off. In agreeing to or signing off on individual bargaining issues, both parties acknowledge that these issues will not return later in the bargaining process.

Term -the negotiated length of the collective agreement that the agreement will remain enforced.

Unfair Labour Practice (ULP) -employer or employee activities that are prohibited by the Ontario Labour Relations Act. Charges of ULP's can be filed by unions, individuals or employers. The Ontario Labour Relations Board investigates ULP charges and has the authority to order a stop to the activity.