

# Collective Bargaining 101

For many members, the process of collective bargaining is a bit of a mystery. So, we have put together this brief overview to help people better understand what it is all about.

## **A Process**

Collective bargaining is a process for identifying and resolving conflicts over the terms and conditions of employment. It is a structured conversation about what academic staff really do, and about how their work should be recognized and compensated. It is also a legally defined process with enforceable rules and obligations.<sup>1</sup>

At the bargaining table, the union's team represents the interests of the members, and the administration team represents the interests of the employer. Each brings to the table a specific set of proposals reflecting priorities set by their principals — the union's membership and the employer. The process is intentionally designed so that what is finally agreed to through the process of good faith bargaining is what the parties themselves agreed to, based on the particular working environment and employment relationship.

The issues dealt with in bargaining cover issues related to working conditions, terms of employment, as well as the relationship between the union and the employer. Working conditions and terms of employment include issues such as salaries, health benefits, hours of work, vacation, maternity leave, academic freedom, and other similar issues. The relationship between the union and employer include issues such as union space, grievance and arbitration procedures, consultation, dues, and other similar issues.

The union's bargaining strength is based on its collective organization and voice, which compels the employer to respond to its employee's demands more seriously than it would to requests from individuals or small groups. This simply reflects the fact that collective bargaining is fundamentally a power relationship in which each side's relative power is leveraged at the table to achieve their goals. To ensure and enhance this collective strength, unions work hard to fairly represent the interests of all its membership.

## **Bargaining Step by Step**

Collective bargaining includes the following five inter-related steps:

1. **Preparation:** each side – union and employer (the “parties”) – appoints their respective

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- negotiating teams, based on needed representation and skills, which are complemented with training on the bargaining process. The teams conduct research and analysis of their respective issues and interests, which includes consultation, engagement and final approval by their principles. The issues identified are drafted into proposals with supporting evidence and arguments.
2. **Protocol and exchanging initial proposal packages:** the parties meet to establish the ground rules they will use when bargaining (eg: meeting location, cost sharing, identification of each chief spokesperson, etc.). Each side now takes a turn making an opening statement outlining overall goals, and “tabling”<sup>ii</sup> their respective written proposals, which can include supporting verbal explanations and documentation.
  3. **Bargaining:** the parties begin discussing specific proposals, moving through them systematically, looking for areas of agreement and compromise. Some interests and priorities overlap and some do not. Issues that are easy to resolve are normally settled first, followed by the more difficult and contentious matters. Discussion and creative compromise eventually leads to a final settlement. At times, intervention by external third parties<sup>iii</sup> or more blunt forms of persuasion such as strikes and lock-outs are needed to reach a final agreement.
  4. **Membership engagement:** the union communicates and engages the membership in the bargaining process on an ongoing basis, using meetings, updates and “bulletins” and increasingly social media. Feedback and input is often specifically sought when confronted with challenging bargaining issues.
  5. **MoS:** once all the issues are settled or withdrawn, a Memorandum of Settlement is signed, and each side takes the “deal” back to their principles to be ratified (approved). Once ratified, a new or revised Collective Agreement comes into effect that is binding on both sides.

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<sup>i</sup> Similar to legislation in other jurisdictions, the Nova Scotia Trade Union Act governs relations between unions and employers in this province, including procedures, rights and obligations for collective bargaining.

<http://nslegislature.ca/legc/statutes/trade%20union.pdf>

<sup>ii</sup> “Tabling” or “to table a proposal” means to formally present a proposal and seek agreement from the other party to change or add language in the current or pending first Collective Agreement.

<sup>iii</sup> A “third party” is someone not involved in a process. In collective bargaining, mediators can be invited by the parties or imposed under the relevant legislation to assist the parties in reaching an agreement. Arbitration involves a neutral arbitrator deciding on a binding and final settlement, based on the evidence and arguments each side makes.