

## ***The rules of the game***

Our last two questions of the week appearing on our Web site concern rules of interpretation in labour relations matters between a syndicate and the employer. The first one dealt with the type of collective agreement preferred by our voters while the second was related to the consequences tied to negotiations. In both cases the number of respondents with no opinion to register was unusually high. This is the reason we are following up with a short presentation on the stakes involved in negotiations.

### ***Who decides in labour matters?***

Two parties are recognized by law, the union and the employer. In our case the union is APS. All in all, some 825 individuals in total with a good majority holding the important status of participating member. APS functions with an open door policy toward employees belonging to its bargaining unit. While defending the rights of each of all 825 individuals, only those who wish to participate are responsible for the decisions of the Association. Those are then the ones deciding on the orientation of their union. They are the ones who will decide on the faith of our next collective agreement as an example. This is one of the reasons we are meeting in the Ottawa region this autumn for our National Council. At the same time we will also be reviewing our By-laws, the two topics involving decision-making. To have the status of a participating member an application has to be submitted along with the entrance fee.

For the employer, the decision-making follows the hierarchy of the organization. The representatives are industrial relations officers acting as spoke-persons for the employer in matters of labour relations like the negotiations for collective agreements. They act under mandates from top management. Thus for the bargaining of the collective agreement, each side delegates its *negotiation team*. For APS that team will be chosen by the National Executive on November 4, 2012, in the Ottawa region. The

Negotiation Team will then undertake the preparation of negotiations for the collective agreement which will be expiring on June 30, 2013.

***Are work conflict authorized?***

Despite the doubts of many, the answer is unequivocally yes. The labour code provides for the appearance of the rights to strike and to lock-out during the negotiations for the renewal of a collective agreement. The exact date is determined by using the expiration date of the existing agreement and triggers the right of each party to exercise its right at the expense of the other. The labour code provides for conciliation before a strike or a lock out but the parties are always free to use the rights that belong to them. For the Corporation, this means to stop playing its role as the employer toward its employees, thus the expression *to lock out* while for the employees a strike means a refusal to work.

This is the only measure provided to settle impasses during negotiations of collective agreements. Arbitration, where an outside source decides, only applies to grievances during the life of the agreement, as an example. The legislator has then left a mutual aggression right as the only framework to cover renewals of collective agreements; a right that is only extinguished upon an agreement between parties.

***Is APS covered?***

There is no distinction in the code between a union such as ours (professionals and supervisors) and any other unions. The same rules apply to all. At CBC, time has shown that the employer has never shied away from using its rights during negotiations. On the APS side, there has never been a call for legal pressures during negotiations. However, the road to follow is always determined by our voting members. Contrary to others we are not governed by rules or decisions arising from external sources. Only CBC employees, members of APS as participating members, hold the power to decide. This is the advantage of being an independent union. As a result, the content of our agreement as well as the bargaining agent in charge of

negotiating answer only to our National Executive made up of elected officers from the regions of the country. For critical issues such as the By-laws or the acceptance of the collective agreement, the decisions are also in the hands of all the voting members of the Association. In this regard, the advent of electronic voting carries the promise of tremendous possibilities.

In conclusion we have at our disposal all the means that the labour relations system provides for unionized organisations. The voting members are the only ones determining the courses of actions best suited for their purposes.