

Bargaining, Impasse, Essential Services, Strike

1. Either party may give notice to bargain (60-120 days prior to the expiration of the collective agreement).
2. Bargaining dates set and negotiations commence – the employer and the union have a legal obligation to bargain in good faith.
3. At the bargaining table, both parties move toward reaching a tentative agreement.
4. The employer may ask Saskatchewan Labour Relations Board (SLRB) to order a “last offer vote” based on what the employer has presented as their “last offer.” If a majority of union members vote in favour of the last offer, the last offer is incorporated into the new collective agreement. The provisions of *The Saskatchewan Employment Act* allow the Minister of Labour to require the SLRB to order an additional vote if the Minister considers it to be in the public interest. If a majority of union members vote against the last offer, the parties then resume bargaining.
5. When the parties cannot move any further to reaching a collective agreement and there are still outstanding proposals, this is called impasse.
6. A strike vote can be held at any time after the parties have engaged in collective bargaining, but can only be acted upon after certain steps have been completed.
7. Either the employer or the union can serve a “notice of impasse” to the Minister. The Minister then appoints a labour relations officer or special mediator, or establishes a conciliation board to mediate or conciliate the dispute. The notice must include whether essential services exist and a detailed description of what those services may be.
8. The mediation and/or conciliation process can take up to 60 days. The mediator or conciliator may recommend terms of settlement.
9. If the parties agree to terms through mediation or conciliation, a new collective agreement is reached.
10. If the parties do not agree to the terms proposed by the mediator, there is a 7-day cooling off period before any strike or lockout may commence.
11. The parties must commence negotiations to reach an essential services agreement.

12. If an agreement on essential services is reached and all the other steps are met, then either party can serve 48-hour strike or lockout notice and job action can take place after 48 hours.
13. The union or the employer may challenge an essential services agreement to determine whether the agreement substantially interferes with a strike or lockout.
14. If an agreement on essential services is not reached, a notice of impasse must be sent to the Minister. This notice will trigger the establishment of an Essential Services Tribunal.
15. The tribunal will determine the essential services, the classifications of employees that must work during a work stoppage, the number of positions in each classification, the locations where the work is to be performed and procedures for responding to an emergency.
16. Either party may challenge the decision of the essential services tribunal to determine whether the essential services agreement substantially interferes with the exercise of a strike or lockout.
17. If the tribunal finds that there is not substantial interference with the right to strike or lock out, either party may commence job action so long as it provides at least 48 hours written notice.
18. If the tribunal finds that the right to strike or lock out is substantially interfered with, the parties are required to enter into binding mediation/arbitration to conclude a new collective agreement.
19. Prior to a strike or lockout, there may be a requirement for the union and the employer to establish a shutdown protocol “that preserves the plant, equipment and any perishable items.”

Note: This information is of a general nature only and should not be considered legal advice.

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