

Understanding Lockout/ Strike in the Post Secondary Sector under the Alberta Labour Relations Code



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First things first

**There is no reason to
suspect that we will
face *either* a lockout
or a strike in this
round of negotiations!**

No reason to expect a lockout or strike

- Labour relations are generally good on campus;
- We've almost always reached agreements without resorting to arbitration (41 agreements in 50 years; only a few by arbitration);
- Our Lockout-Strike fund is only two years old, so we are about as reluctant to strike as we will ever be;
- Employers usually do not lockout gratuitously;
- **Strikes cannot be called without the approval of the membership.** We have a fairly conservative faculty that is unlikely to strike without extreme provocation.

However...

- The fact that **a Lockout or Strike is highly unlikely** doesn't mean we shouldn't understand what's involved or be prepared to weather one
 - The better prepared we are, the less likely we will need to call on that preparation
 - And if we do have to call on it, the more likely we are to limit time off the job
- Means we need to discuss
 - Timelines and process
 - Strategies
 - Protocols
 - What you can do to protect yourself

Timelines for negotiating have changed dramatically



Timelines for negotiating have changed dramatically

- Under the old system, negotiations involved two “windows”:
 - A Fall notification “window” (most recently Sept. through Dec.);
 - A Spring Negotiating “window” (most recently Jan. through April);
 - Goal was to have negotiations and ratification over by end of contract (through we often ratified in September).
- Under LRC, negotiations are timed backwards and forwards from the end of the contract
 - Notification period <120 and >60 days before the end of the contract;
 - Negotiations start 30 days after notification;
 - Mediation and impasse resolution generally start after end of contract;
 - *Must* pass end of contract before job action can begin.

In addition, our process is quite different

- Pre-Bill 7: Final Offer Selection and “Stonewall”
 - Two “Tables”: “Economic Benefits” (i.e. money, Schedule A and B) and “Handbooks” (i.e. terms and conditions; everything else)
 - EB was for a limited period of time and subject to “Final Offer Selection” (FOS)
 - HB was without end date and reverted to status quo in event of an impasse (no arbitration or mediation)
 - Could not trade (or be forced to trade) money for conditions or vice versa
 - “Mediation” on financial items involved both sides preparing a final offer they thought maximised their chances of winning

In addition, our process is quite different

- Post-Bill 7: Single Table, Mediation, and Lockout/Strike
 - Money and terms and conditions are negotiated together (Single “Table”)
 - Both money and terms and conditions have an end date
 - Both are subject to mediation (which seeks to bring the sides together rather than choose between them)
 - We can trade money for terms and conditions (and vice versa)
 - The ultimate arbitration is who can best withstand a lockout/strike (even if we were to be sent to arbitration, the result is supposed to reflect relative strength)

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So given this, is a Lockout or Strike impossible?

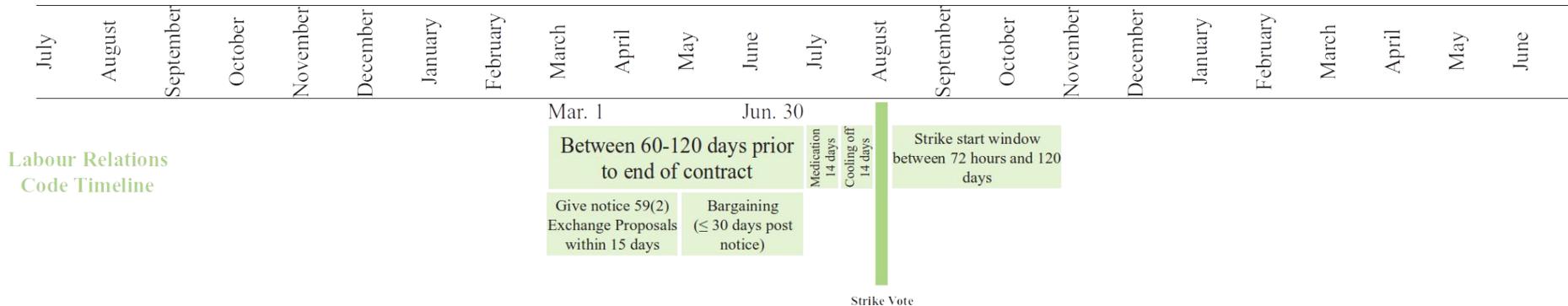
- **Lockout or Strike is unlikely** but not impossible
- Several (**unlikely**) conditions under which a lockout might occur or be threatened
 - Government could try imposing unrealistic bargaining mandates on Board;
 - Board could miscalculate and try to take advantage of our relative weakness by proposing one-sided or unrealistic conditions or money;
 - We could propose something they consider a red line;
 - We reach an impasse and our unfamiliarity with the new rules harms our ability to resolve it.

So no way we'd strike, right?

- Although we are weak this year, there are some **highly unlikely** conditions under which we might even want to go on strike
 - a. Board tries to take advantage of our structural weakness and presents completely unacceptable proposals on money or terms and conditions;
 - b. Board tries to take advantage of our structural weakness and refuses to consider realistic counter proposals;
 - c. It becomes clear that the Board is *planning* to lock us out after term is over (e.g. Summer 2019).
- If we are relatively sure that we are facing Board-initiated job action at a time that is non-disruptive to them (e.g. outside of term), we may need to pre-empt their action at a time that makes the action equally inconvenient to everybody.

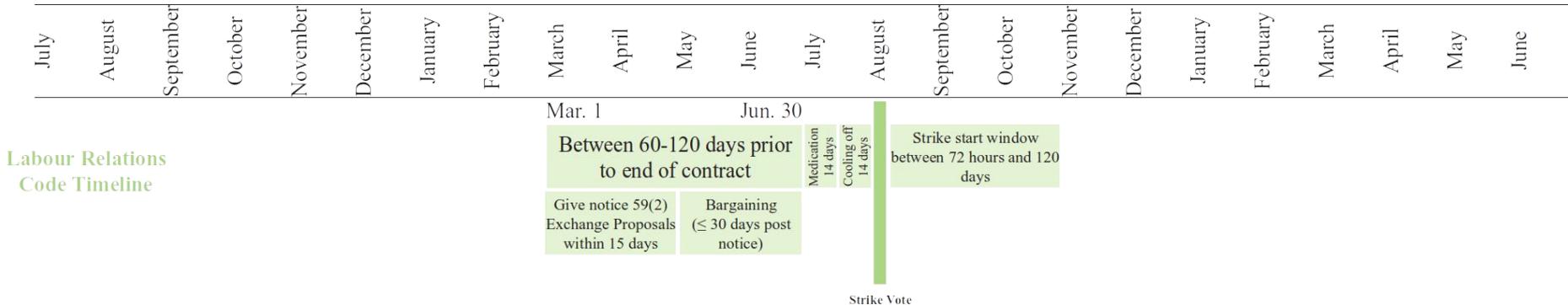
How/When would a Lockout or Strike occur

- The way the timelines work, there's no threat of any labour action before late Fall 2018 at the earliest (and **labour action is highly unlikely in any event**)
 - Even with poor labour/employer relations (and **ours are good**), it takes
 - 1 month before you can consider a strike vote
 - 72 hours to 3 months before you can act on it
 - i.e. mid-to-late August is the fastest you can lock out or strike (and you have to really hate each other to go that fast).



How/When would a Lockout or Strike occur

- Because we have our good relations with the Board and a long history of reaching agreement, it would likely take months before our relationship would deteriorate to the point that a lockout or strike would occur:
 - You don't *have* to lockout or strike after the end of the contract;
 - The board would want to avoid locking us out in term;
 - We would presumably propose a strike vote only if we were facing job action on a serious issue and *all* attempts at resolution had been exhausted.



Lockouts and strikes don't just happen

- Lockouts are preceded by
 - Advance notice
 - Mediation
 - Decision by the Board to take action.
- Strikes **can only be called by the membership**
 - The ULFA executive can recommend a strike, but **only the membership can approve**
 - They are preceded by advance notice and mediation
 - There must be at least 72 hours between a strike vote and job action
- **Nobody ends up in a Lockout or Strike by accident.**
 - **If we go on strike it will be because a clear majority of our members believe it is necessary.**

Our preparations for **(highly unlikely)** job action

- Although we are as weak as we will ever be, our membership and the ULFA executive have prepared for the **unlikely event** of a Lockout or Strike.
 - a. We have been building a lockout/strike fund for 2 years
 - b. We have developed protocols governing what is to happen in the **unlikely event** that we are locked out or the membership calls a strike
 - c. We have access to insurance, lines of credit, and other money to supplement our lockout/strike fund
 - d. We give (and would receive) support from other Faculty Associations across the country.

Lockout/Strike Pay

- Goal of fund was to be able support a four week job action (the average length) at **\$160 per calendar day (net) per person**;
- Because we started early, we believe that we could come very close to this amount (calling on all insurance and lines of credit) in the **unlikely event** we were forced to during this round of negotiations;
- This would hurt us all--we'd be paying it back for years; but we could do it in the **unlikely event** we had to;

We don't want a Lockout or a Strike (or expect to see one).

But if we are forced to, the U of L faculty *already* has taken steps to ensure access to sufficient funds to withstand the average job action.

How does this compare to my current pay?

- \$160/calendar day = \$4800 net/month
 - Except, the employer won't deduct Pension and Long Term Disability
- Your monthly pay during a job action would be:

\$4800 (1 month @ \$160/calendar day)

- Pension Contribution (check the bridge)

- LTD contribution (check the bridge)

= "Take Home Strike Pay"

- To maintain current income, plan on saving the difference between Strike Pay and current net monthly income (<\$5k for most members)
- You have ~12-18 months to save this for the **unlikely event** that you need it.

What happens during a lockout/strike?

- In the **unlikely event of a Lockout/Strike**, you withdraw your labour from the university and they suspend your pay/benefits/privileges
 - No teaching
 - No service
 - No reporting
 - No services from employer (e.g. email, financial services, gym or library access)
 - Only negotiated access to university land and buildings
 - Essential services (life and limb only)
 - ULFA will provide passes to approved Members for minimal support of time-sensitive or nature-sensitive research activities
 - **The goal (on both sides) is to inconvenience the other.**

What happens during a lockout/strike?

- All members not exempted are expected to assist in supporting the job action
 - Lockout/Strike pay is payment for participation in the job action
 - Members sign in for picketing and other duties
 - Penalties for breaking solidarity (public notice, etc)
 - Much more hierarchical and cooperative than we are used to!
- Exceptions (continue to be paid)
 - People on leave (Study/Maternity/Sick, etc.)
 - Exempt members (Senior admin)
 - Essential Services (life and limb)
 - Other activities by permission/agreement

How can I prepare for this **unlikely** possibility?

- **Although it is unlikely**, members can prepare and protect themselves against the possibility of job action
 - a. Stay informed about the progress of and issues involved in negotiations
 - Social Media ([Facebook](#) | [Twitter](#) | [Blog](#) | Newsletter)
 - Townhalls and meetings
 - b. Build some savings (in most cases <\$5k)**
 - c. Support the colleagues who are negotiating on your behalf
 - Give advice
 - Give benefit of the doubt
 - Ask if you have questions
 - Ask why if you think we are doing something strange

Thank you!