



Background information for CAPE's Defence Fund and Collective Bargaining Survey

The Canadian Association of Professional Employees (CAPE) is conducting a survey on the Defence Fund and collective bargaining. The following definitions and background information are offered to members completing the survey to provide further context and explanation. In the fall, CAPE will be releasing further educational content on collective bargaining for its members and will be holding knowledge events on collective bargaining.

Collective bargaining is the process by which CAPE and other unions negotiate with employers to create and update collective agreements. The goal is to gain improvements to the collective agreement that correspond to members' identified priorities, such as increased wages, improved working conditions, as well as ensuring that the employer uses proper due diligence in all its decisions affecting workers.

The **collective agreement** is a contract that outlines workers' and employers' benefits and responsibilities.

Members of CAPE are covered by different pieces of legislation, which give different rights during the collective bargaining process. The Library of Parliament and the Office of the Parliamentary Budget Officer members are governed by the *Parliamentary Employment and Staff Relations Act*, which provides binding arbitration as the sole method of resolving a dispute.

The EC and TR members are covered by the *Federal Public Sector Labour Relations Act*, which provides two means of resolving an impasse: binding arbitration or conciliation with the possibility of strike.

Regardless of the method of dispute resolution, the union and employer may seek the advice of a **mediator** at any point in the negotiations to help them reach a settlement.

Binding arbitration means that an independent third party, called a board of arbitration or an arbitrator, will review the proposals of both the union and the employer to determine final terms for a collective agreement that will be binding on all parties.

During the **conciliation with the right to strike** process, should negotiations break down, either party may request the establishment of a public interest commission, which will review the employer's and union's proposals and make non-binding recommendations for the resolution of the impasse. If the recommendations do not lead to an agreement, a strike can only happen after an essential services agreement is made to ensure that workers providing essential services stay on the job, and workers give their union a strike mandate.

A **strike mandate** exists when members vote in favour of withdrawing their labour or going on strike. Such a vote is generally called when negotiations are not progressing to the union's satisfaction. A strike mandate does not necessarily mean that there will be a strike, but it puts pressure on the employer to resolve the bargaining impasse.