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TRAINING ONTARIO'S FUTURE - ÉDUQUER L'AVENIR DE L'ONTARIO

Conciliation & Strike Mandate Vote: Frequently Asked Questions (FAQ)

What is “conciliation”?

“Conciliation” occurs when one or both bargaining parties believe that a third party can move negotiations forward. At any point during negotiations, Ontario’s *Colleges Collective Bargaining Act (CCBA)* allows OPSEU/SEFPO or the College Employer Council (CEC) to request neutral third-party assistance to help resolve their differences. A request for conciliation is a common occurrence during collective bargaining.

After the request for conciliation is filed, a **Conciliation Officer** is appointed by the Minister of Labour to meet with the union and the employer to try and help the parties work through an impasse and reach a settlement.

To review the *CCBA*, [click here](#).

What does a Conciliation Officer do?

A Conciliation Officer (or “Conciliator”) is an impartial third party, appointed by the Minister of Labour, who has experience in mediation and alternative dispute resolution.

Conciliation Officers confer with both the union and the employer, using their expertise to try to help both sides find mutually agreeable solutions to outstanding issues they might not have considered during bargaining.

What is a “no board” report, and what happens in the “no board” process?

The Conciliation Officer reports the outcome of the conciliation meeting to the Minister of Labour. If the parties still cannot reach an agreement, the Minister of Labour will issue a written notice – **known as a “no board report”** – to OPSEU/SEFPO and the CEC bargaining agencies stating that a conciliation board will not be appointed.

Employer-imposed terms and conditions of employment are legally possible on the 17th day following the issuance of this “no board” report – at which point we are also in a legal strike position.



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The two sides can keep trying to reach a deal before or after a “no board” report has been issued by the Minister of Labour.

What does the *Colleges Collective Bargaining Act* say about “no board” reports?

Ontario’s *Colleges Collective Bargaining Act* states that the existing terms and conditions of collective agreements remain the same until the Ministry of Labour issues a “no board” report.

After the “no board” report is issued, the terms and condition of a collective agreement are frozen for a 16-day period. Bargaining may continue during that time. On the 17th day following the “no board” report, any or all of the following could legally occur:

- we can call for strike action provided we taken a strike vote and more than 50% vote in favour of strike action (**Note:** strike action can range from work-to-rule up to a full withdrawal of services);
- the employer could lock out its employees;
- the employer could make unilateral changes to the collective agreement;
- we can continue to bargain with the employer;
- we can mutually agree with the employer to send unresolved issues to binding arbitration;
- the employer still has the option of requesting a **final offer – or “forced” offer – vote.**

How long does it take for a Conciliator to send a “no board” report to the Minister of Labour?

It varies, but typically it takes a week.

What can the employer do by requesting the “no board” report?

On the 17th day after the “no board” report has been issued, the CEC can either lock faculty out or impose terms. Under the *CCBA*, both parties are required to provide five (5) days notice before commencing a labour action (including a lockout or strike.)

What are these “imposed terms” you are referring to?

“Imposed terms” are a nuclear option available to the CEC. On the 17th day after the “no board” report has been issued, the CEC can unilaterally change faculty’s pay, benefits, or any other working condition. The terms could be absolutely anything.



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Why do we need a strike mandate?

Conciliation is a tool that can help move the parties forward – but to be successful in moving on our key priorities, we need to enter conciliation with a high-participation, strong strike mandate as a demonstration of member support. A Conciliation Officer will help the parties to work to a fair resolution, but they need to know – as does the employer – that the membership is behind their bargaining team.

In addition, we need a strike mandate before engaging in any job action such as work-to-rule or a strike. A strike mandate is something you want to have as a possible response to employer-imposed terms.

If we have a strike mandate, do we have to engage in strike action on the 17th day after the Minister of Labour issues a “no board” report?

No, we do not have to – with a strike mandate in hand, we can call for a strike action at any time following the 17th day after a “no board” is issued. A strike is a last resort for leverage to achieve member demands and improve our collective working conditions. We want to be able to respond to the nuclear threat of imposed terms should the employer use them.

The decision to go on strike comes from the membership – these are your contracts that are being negotiated, and you get to decide whether what’s being offered is good enough. A strike mandate vote gives us leverage at the table by legitimizing the credible threat of our strongest leverage tools.

Under the *CCBA*, both parties are required to provide five (5) days notice before commencing a labour action (including a lockout or strike.)

Once the “no board” report has been issued, can we continue to bargain?

Yes! There is nothing that prevents either party from continuing to bargain. In fact, this would be preferable as it means both parties are working towards a mutually agreeable negotiated settlement.

