

STRATEGIES **BROADER-BASED BARGAINING**

Broader-based bargaining: Extending bargaining rights to vulnerable workers

For the most part, labour legislation in Canada requires unions to organize on a workplace by workplace basis. This system has worked well in large workplaces with full-time permanent employees, where unions could get bargaining power by organizing large bargaining units. But this model can fragment our bargaining power and has not worked for everyone.

Changes in workplaces over the past few decades have meant more people find themselves employed in small workplaces, and precarious work is becoming much more prevalent. Privatization, contracting out, and other employer strategies have made it much more difficult for workers to unionize under existing laws.

While approximately 70 per cent of the public sector is unionized, some workers have difficulty organizing because they are employed in small workplaces, or are in precarious jobs. Workers from equity-seeking groups tend to be overrepresented in these kinds of vulnerable positions. In the

private sector things are worse; only 15 per cent of workers are covered by a union, with much lower rates in small workplaces.

Amendments to labour relations legislation to create structures for broader-based bargaining (BBB) could make unionization easier in some sectors. Broader-based bargaining extends bargaining rights beyond a single site to cover multiple workplaces within a sector, even when there are multiple employers involved.

Under BBB, unions representing employees in two or more workplaces in a sector (for example, child care centres) could apply to the labour board to create a multi-site bargaining unit that is covered by a single collective agreement. The union could then organize other workplaces in that sector, and apply to the labour board to have the newly organized workers covered by the same collective agreement.

Bargaining units made up of small workplaces could grow over time, and increase their bargaining power



as their numbers grow. Unions would have greater incentive to organize in small workplaces because bargaining units would be large enough to sustain themselves, and would have enough strength to win good agreements.

Other models could be designed to give access to unionization to home care workers, independent contractors, or others who have not been able to use existing law to gain access to a union.

Broader-based bargaining could make unionization a reality for a lot of vulnerable workers. To be sure, BBB comes with challenges. It would require new strategies for organizing workers and for bargaining effectively.

These challenges are very real. But the prospect that BBB could lead to an expansion of the labour movement – including in the broader public sector – should encourage us to give this concept serious consideration.

■ **Dan Crow**

INSIDE

**2 FIGHTING
PRIVATIZATION**
Liberals push
a Conservative
agenda in
transportation;
CUPE fights back

**3 BARGAINING
STRATEGIES**
Bring it
(back in-house)!

**4 BARGAINING
CAPACITY**
New CUPE
Pension Database

Liberals push a Conservative agenda in transportation; CUPE fights back

The former Conservative government's review of the *Canada Transportation Act* contains deeply flawed and sweeping recommendations for federally-regulated marine, rail and airline transportation.

Written by Conservative insider David Emerson, the report reads like a corporate blueprint for continued privatization, deregulation and business-friendly policies. As the report baldly states, Canada must modernize its transportation system in order to be a "global competitor" and to be consistent with free-trade agreements.

The report does make some good recommendations, such as developing high speed rail, improving infrastructure in the North and creating a passenger bill of rights. However, there is almost no attention paid to the consequences of these policies for workers' job security, working conditions and health and safety.

None of this is surprising, since Emerson chose to consult only minimally with unions representing airline workers.

Unfortunately, the current Liberal government has shown support for two major recommendations that pose a serious risk to workers' job security and working conditions: privatizing airports and increasing limits for foreign ownership in Canadian airlines.

The report recommends a series of options for the privatization of airports (currently run by local municipal authorities), claiming that services will become more efficient and that costs to passengers will be reduced. However, as many CUPE members know through bitter experience, privatization invariably raises rather than lowers costs, with investors looking for profits by cutting labour costs and increasing customer fees.

Many airport workers are already precariously employed, with contracts routinely flipped to the lowest bidder for services like baggage handling, ground transportation, parking and wheelchair services. Unions representing these low-paid workers have no successor rights, and must often renegotiate an entire collective agreement with a new contractor, sometimes at lower wages and with even poorer working conditions. It seems clear the current government views airports as one of many potential cash cows to fund its proposed infrastructure program.

Alarmingly, Liberal Transportation Minister Marc Garneau recently decided to increase foreign ownership thresholds for Canadian airlines from 25 per cent to 49 per cent. Clearly responding to industry pressure, Garneau has already exempted two airlines seeking foreign capital to start up "ultra" low cost carriers,

claiming greater competition will lead to more routes and lower fares. But experience suggests something very different will happen. The past 40 years of increased competition has led to airline bankruptcies, mergers, hostile takeovers and the gutting of collective agreements and pension plans. Efforts to reduce labour costs also mean reduced safety for both passengers and crew.

CUPE is fighting back by mobilizing members in the sector. The recent National Sector Council Conference in Winnipeg brought together transportation workers in airlines, urban transit and provincial roads and highways to identify shared concerns and strategize about solutions. We are also working closely with other unions in the sector to protect our members' jobs and defend their rights. And the CUPE airline division has recently mounted a "Safer Skies" campaign to lobby the Liberal government about safety issues, including the recent regulatory change allowing fewer flight attendants on commercial flights as well as other emerging safety hazards.

Because when bad Conservative policy becomes bad Liberal policy, CUPE is there to push back and protect workers and transportation safety.

■ Janet Dassinger

Tabletalk is published four times a year to provide CUPE bargaining committees and servicing representatives useful information for preparing and negotiating bargaining demands.

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CUPE / Canadian Union
of Public Employees

Bring it (back in-house)!



Reversing the privatization of outsourced services or infrastructure, or “contracting-in”, is one of CUPE’s top priorities.

The Columbia Institute’s recent report, *Back in House: Why Local Governments Are Bringing Services Home*, documented many success stories of contracting in. CUPE members and staff are sharing these stories to show governments across Canada that managing services and infrastructure in-house actually costs less and delivers better quality. You can view the report at <http://cupe.ca/back-house-why-local-governments-are-bringing-services-home>.

The report is one way CUPE National supports the work of members and staff to take back ownership and control of public services and infrastructure. But we’re not only gathering information about how contracting-in campaigns succeeded – we’re turning that information into practical tools that can support the work of regional and local members in their efforts to reverse privatization. These tools are slated for release in Spring 2017.

In the meantime, we can share some general principles about successful approaches. Case studies from Canada and the United States suggest that we

can use both long-term and short-term strategies to support contracting-in.

The bargaining table is one place to pursue longer-term strategies since bargaining can be an opportunity to get commitments from the employer about how members will be involved in decision-making related to the privatization, or the reversal of privatization, of services. CUPE’s publication, “Our Best Line of Defence: Taking on Privatization at the Bargaining Table” is a helpful guide for examples of collective agreement language. You can find that at <http://cupe.ca/our-best-line-defence-taking-privatization-bargaining-table>.

Shorter-term strategies are intended to address opportunities for contracting-in that are close at hand. There are four basic steps that can be taken to increase the chances of success.

4 STEPS TO WIN CONTRACTING-IN

1. The first step is to **identify opportunities for contracting-in early** to allow the necessary time for analysis, strategy and action. One way to do this is to create a list or inventory of services that are contracted-out and get the details of each contract,

particularly the date of expiration or renewal – this will help to identify when workers will need to take action.

2. The second step is to **prepare a strong justification** for the contracting-in of a service. This requires gathering information that demonstrates how in-house service delivery is better for the community, for workers and for the city’s finances. It involves the development of options on how the work could be done with city staff (including an estimate of the costs), an assessment of the quality of the work being done by the contracted service provider, and information about the working conditions of the contracted workforce.

3. The third step is to **make a strategic decision about how to engage** on each specific opportunity. This is a process of assessing the priorities of members and what kind of resources are required for both short-term and long-term success. For example, is it better to take action on a small contract where there is a high chance of success to build momentum for future wins, or is there a service with a large contract that is of significant importance to members where making the effort of reversing privatization is just as important as being successful? How much time and effort should be allocated to the different opportunities?

4. The last step is to **develop a plan on how to influence decision-makers**. It will be important to understand and identify who, among the various people and organizations involved, has the most power to help – and who has the power to prevent the efforts to contract-in.

Our experience shows that this process rarely flows neatly from one step to the next. It is much more of a back-and-forth process where new information in each step often helps to improve the actions in another step.

But we know that, with the right preparation and commitment, we can win many battles to contract-in.

■ **Mike Farrell**

New CUPE Pension Database

CUPE locals across the country have faced strong pressures and even direct attacks on their established defined benefit pension plans in recent years.

As the union works to defend and expand good pension coverage for members, the absence of comprehensive data on existing pension coverage has made it difficult to assess our progress.

That’s why CUPE has established a new CUPE Pension Database Project, with a goal to incorporate this in the new collective agreement module of our Member Relationship Management System. The initial data content is limited, but the system is designed to be expandable. Now we can systematically track what kind of pension our members have, in locals across the country, whether it is a defined benefit plan, defined contribution plan or some other kind of plan. We can also track which members aren’t covered by a plan at all.

Our initial data collection allows us to report some immediate results. All told, almost 92 per cent of our members have some kind of registered pension plan (RPP).

As shown in **Table 1**, we now know that 66.74 per cent of CUPE members belong to locals with access to secure, defined benefit plans. While we know that a large majority of the members of these locals are either automatically enrolled or voluntarily choose to join the plan, there are some part-time, temporary, or casual workers, including for example university contract instructors, who do not meet specified plan eligibility requirements (usually defined as certain scheduled hours-per-week, or hours or earnings in a previous year).

The rest of CUPE members with an RPP include members with defined contribution, target, hybrid or other kinds of plans. These other kinds of plans may be less secure, but at least there is some measure of coverage, and generally a kind that could still be improved (through increased contributions, or upgrades to a more secure model).

With this data, we can now pinpoint precisely which locals are in the other eight per cent that has no coverage at all, and consider even more focused strategies for bringing pension coverage to those groups.

These CUPE coverage figures also allow us to compare this picture to some broad figures compiled by Statistics Canada for the public sector as a whole. **Table 2** shows that just over 89 per cent of public sector workers participate in some kind of registered plan, slightly less than the CUPE membership figure. Given that the CUPE membership does include a component in the private sector (for example, in the airlines sector), these figures are impressive.

However, we still have our work cut out for ourselves. At our 2007 national convention, the Strategic Directions policy framework committed the union to working to establish pension coverage for all CUPE members. Since that time, we have been working to negotiate locals with no coverage (or only RRSPs) into successful plans, such as the Multi-Sector Pension Plan (MSPP).

With our new database, we are now able to re-double these efforts and hopefully, in the near future, achieve our ambitious goal of securing good pension coverage for all members.

■ **Brian Edgcombe
and Kevin Skerrett**

TABLE 1

Workers participating in a registered pension plan (RPP)		
	Canadian workers	CUPE members
Enrolled in registered pension plan	32.45%	91.91%
Enrolled in defined benefit pension plan	22.72%	66.74%
Enrolled in defined contribution pension plan	5.69%	1.74%

TABLE 2

Workers participating in a RPP (by sector)	
Public sector registered pension plans	89.26%
Private sector registered pension plans	26.27%