

## **National Executive Board Policy on Collective Bargaining: Resisting Concessions and Two-Tier Proposals, and Defending Free Collective Bargaining – Moving Forward**

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CUPE's primary responsibility is in bargaining and collectively representing members in their workplace. Collective bargaining is at the core of all of our work. Our main goal is to improve wages, working conditions, job security, and other conditions of all workers, and the pensions and benefits of retirees. These goals are achieved mainly through collective bargaining and political action.

During his address at CUPE's inaugural convention, Brother Stan Little told delegates that the need to achieve full collective bargaining rights for all employees, at all levels of government, was of paramount importance. While much has changed since that 1963 National Convention, public services, and the employees who deliver them are still under attack.

Politicians and administrators continue to blame workers for inefficiencies and costly delivery of public services, but we know the blame rightly lies with those very same politicians and administrators who pursue privatization and believe that the real saviour is corporate Canada.

Legislative attacks on free collective bargaining continue. Over the last two decades, we have seen legislation that restricts our ability to take meaningful action when faced with concession bargaining. We have seen legislation that stripped language from our collective agreements, curtailed our bargaining rights, set out strict essential service levels, and imposed settlements. Recent Supreme Court decisions have protected our Charter rights to free collective bargaining, and CUPE will continue to defend free collective bargaining and our members' collective agreements in the courts, as necessary.

We continue to face an austerity agenda at the bargaining table, driven by an unfair and increasingly regressive tax system. Successive governments have prioritized corporate tax cuts, lowered income tax rates for the richest Canadians, expanded tax loopholes, and turned a blind eye to tax havens. In doing so, they have dramatically reduced their own revenue, money needed to pay for the quality public services that benefit all Canadians. Canadian governments continue to cut public services while further cutting corporate taxes. The right thing to do, and the way to invest in much-needed public services, is to restore corporate taxes to a fair level.

Employers are using new tactics at the bargaining table – not just proposing concessions, but advancing proposals that would see members, working side-by-side, being paid different rates of pay, with access to different benefits, and even different pensions upon retirement. Employers are also proposing more precarious jobs and increasing the precarity of existing jobs.

Workers did not join CUPE in order to move backwards, to lose wages or benefits, or lower their working conditions. They joined our union so they could move forward, with a better work life, more secure employment, and safe working conditions. CUPE and its Local Unions have an obligation to our members to resist concessions, two-tier contract provisions, and precarious work. If a contract provision is not good enough for our current members, it is not good enough for the next generation of workers either.

Regressive bargaining techniques, which have a stronghold in the United States, have recently surfaced in Canada. Increasingly, in advance of a strike or lockout deadline, employers threaten to impose terms and conditions of employment on our locals and their members at the deadline. This move is a tactic aimed at forcing locals to accept some form of concessions, two-tier provisions, or an increase in precarious work. As a result, locals are forced onto a picket line and in some cases have even accepted the concessions.

At our 2003 National Convention, faced with similar pressures, we adopted an ambitious strategic program to build our collective strength and bargaining power. In 2005, Strategic Directions directed CUPE to put in place programs to assist in winning expanded rights for part-time and casual workers. CUPE's 2009 National Convention directed a more focused campaign on putting an end to the casualization of work and a renewed focus on implementing the National Executive Board's "Plan to Fight Concessions and Defend Free Collective Bargaining".

Delegates to our 2011 National Convention adopted a resolution to launch a broad-based campaign to fight the imposition of two-tier contracts with lower wages, benefits, and working conditions, including an education component that highlights the additional impact two-tier contracts have on youth, equity-seeking groups, and non-unionized workers.

A resolution was passed at our 2013 National Convention directing CUPE to send a strong and forceful message to all levels of government opposing concessionary bargaining and defending our free collective bargaining rights. In addition, Strategic Directions committed CUPE to deepen its policy of no-concession bargaining, reinforcing the National Union's "Plan to Fight Concessions and Defend Free Collective Bargaining". CUPE's policy that all negotiating committees make recommendations when presenting tentative agreements to the membership was made clear.

Our focus in the 2015 Strategic Directions is to attack precarity through organizing and collective bargaining. As well, 2016 was dedicated to renewing our commitment to health and safety. Members are facing an increasing presence of violence in their workplace. Negotiating strong contract language is the best way to protect our members and support our locals in their efforts to stop workplace violence.

The National Executive Board's "Plan to Fight Concessions and Defend Free Collective Bargaining" was first adopted in June 2004, subsequently amended in March 2009, and reaffirmed by National Executive Board resolution in March 2013. As governments across the country impose austerity agendas, and employers show greater determination than ever to negotiate concessions and two-tier provisions, it is time for us to strengthen our support for locals and members facing attacks at the bargaining table.

CUPE is at its strongest when we all work together. Our ability to defend collective bargaining rights, resist concessions and two-tier proposals, and move forward can only be accomplished when the National Officers, National Executive Board, chartered organizations, staff, and members work together to ensure the best possible outcomes.

CUPE locals and their members are best positioned to move forward at the bargaining table when they understand the issues, receive regular updates, and are motivated to mobilize quickly to any crisis.

This policy sets out the broad parameters of CUPE's plan to resist concessions and two-tier contract provisions, and defend our rights to free collective bargaining. The mechanics of a regional plan will be worked out between the senior staff and elected leadership within each region.

Regional Directors will file the plan for their region as soon as possible, but no later than June 30, 2017. Their regional plan will be filed with the National Officers and the Managing Director of Organizing and Regional Services.

1. The National Officers will immediately affirm through public communications, and communications to all CUPE chartered organizations and staff, CUPE's determination to protect our collective agreement rights, to resist any demands for concessions or two-tier contract provisions, and to defend our right to free collective bargaining, including our right to strike.
2. Fighting concessions, resisting two-tier contract provisions, and defending free collective bargaining rights will require that the staff and elected membership structures of CUPE work together closely, particularly at the provincial level. Regional Directors will work with the provincial division(s) in their respective regions to develop a comprehensive plan to prepare against contract concessions and attacks on our bargaining rights.

3. Prior to, and well in advance of, the commencement of collective bargaining, Local Unions and Bargaining Councils shall work with servicing and resource staff to develop a strategic plan for bargaining. This strategic plan will set out an education component for rank and file members and a communications plan to take the Local Union through to the conclusion of collective bargaining. The plan will provide details on member mobilization in support of bargaining proposals as well as resisting concessions and two-tier contract proposals.
4. Bargaining is a fluid process, and strategic plans for Local Unions and Bargaining Councils need to be constantly reviewed and amended where necessary to support a changing bargaining environment.
5. The regional plan to fight concessions and resist two-tier contract provisions will set out specific actions and timelines, as well as roles and responsibilities, for the various chartered bodies involved. It will address, among other things:
  - strengthening members' resolve and preparedness to fight concessions and two-tier contract proposals;
  - effective member and external communications;
  - putting in place an effective coordinated bargaining plan for each specific region, sector, or the entire province (as appropriate), so that we can lead bargaining from a position of strength and are able to establish patterns without concessions or two-tier provisions;
  - development of the tools necessary to educate rank and file members on such matters as collective bargaining processes and the negative effects of concessions and two-tier contract provisions;
  - the elements necessary to mobilize members;
  - building solidarity among CUPE Local Unions and between CUPE and other unions, particularly through solidarity pacts and strike support; and
  - rapid and effective response mechanisms to deal with crisis bargaining.
6. The elected and staff leadership in each province will work closely together to put in place a process or structure that will allow for on-going joint monitoring of the plan's implementation. The plan will be adapted where and when necessary to respond to new situations and conditions. The elected and staff leadership of each of our sectors will be connected to this on-going planning and priorities structure. Plans may be amended over time and updates must be filed with the National Officers and the Managing Director of Organizing and Regional Services.

7. All Servicing Representatives must immediately alert the Regional Director or Assistant Regional Director whenever a Local Union or Bargaining Council becomes aware of proposed concessions, two-tier contract provisions, or a threat to free collective bargaining. The Regional Director or Assistant Regional Director must alert the Provincial Division Officers, the National Officers, and the Managing Director of Organizing and Regional Services of these developments.
8. An immediate and coordinated response to these difficult bargaining situations will be organized by the Regional and/or Assistant Regional Director in full consultation with the Provincial Division Officers and, where required, the Managing Director of Organizing and Regional Services. The Managing Director of Organizing and Regional Services will alert the National Officers of the response, including any difficulty encountered in developing an emergency response initiative.
9. Whenever a Local Union encounters difficulty at the bargaining table that includes concessions, two-tier proposals, or a threat to free collective bargaining, the staff, in conjunction with the division and the appropriate District Council, will call an emergency meeting of all Local Union presidents in the area to begin developing a regional strategy, including member outreach and mobilization to fight the concessions.
10. CUPE has a longstanding policy and practice to promote solidarity pacts between CUPE locals. These pacts will be revived and strengthened in provinces that have already established them and accelerated in all provinces where solidarity pacts have not yet been adopted. These pacts will clearly enunciate the commitments parties make to each other and what they mean for each of the participants.
11. The decision to build solidarity pacts between CUPE and other unions in each sector will be accelerated where necessary and, to this end, the National Officers will actively seek the assistance of other national union leaders to organize meetings of heads of unions on a sectoral basis (where appropriate) to build a common front of unions to coordinate bargaining and to fight concessions, two-tier proposals, and attacks on our bargaining rights.
12. In conjunction with our divisions, CUPE will move to mobilize our members and fully prepare for any potential assault on our collective agreements by winning membership agreement to engage in political work stoppages when called upon to do so. In provinces where provincial governments are likely to take action against us, the Regional Director will work with their provincial division(s) on a plan to win membership votes for such political action and mobilize our members in support of such actions.

13. We will take coordinated direct political action to defeat any government that attacks collective agreement rights and removes existing rights to free collective bargaining.
14. We will support our fight against concessions and the attack on collective bargaining through our on-going national campaign to strengthen communities and our campaign to fight back against privatization of public services. The objectives of this campaign include: building political support for major public investment in the work and services performed by CUPE members; building membership pride in the work they do and in our union; and mobilizing against every instance and all forms of privatization.
15. We will defend our legal rights to collective bargaining through the Canadian legal system, as appropriate, and by organizing international pressure to enforce compliance with international protections established by the International Labour Organization and United Nations.
16. CUPE takes seriously the growing incidences of violence in our members' workplaces. As part of moving forward, CUPE will develop contract language that will protect our members against violence and support members who have been the victim of violence in their workplace. We will place an obligation upon employers to take preventative measures. All CUPE locals will be requested to propose this language in bargaining. Servicing Representatives will alert their Regional Director or Assistant Regional Director where a Local Union refuses to put these proposals forward.
17. Attacking precarious work and stopping precarity will be a focus of our union moving forward. Each Local Union will propose language in bargaining which will halt the growing levels of precarious work in their workplaces. CUPE will develop generic contract language which can be tailored to different sectors and different workplaces. Servicing Representatives will alert their Regional Director or Assistant Regional Director where a Local Union refuses to put these proposals forward.
18. The Regional Director or Assistant Regional Director must alert the Provincial Division Officers, the National Officers, and the Managing Director of Organizing and Regional Services where Local Unions refuse to put forward proposals to address precarity or violence in the workplace. Senior staff will meet with these locals, accompanied by elected leadership as appropriate.
19. Organizing and Regional Services will review and update the "Strategic Bargaining and Strike Preparation" Manual for staff. A complimentary manual for Local Unions will be developed.

20. Where a strike or lockout is imminent, and at least one month prior to a strike or lockout deadline, training on strike fund access and regulations will be provided to the staff and Local Unions involved. The Regional Director or Assistant Regional Director will work with Union Development and the National Secretary-Treasurer's Office to ensure timelines for this training are met.
21. Negotiating committees will make recommendations to their members when presenting tentative agreements for ratification or rejection.
22. Servicing Representatives will immediately advise and seek guidance from their Regional Director or Assistant Regional Director when a Local Union is about to sign a tentative agreement that contains concessions, two-tier provisions, or will have a negative impact on a sector or other Local Unions. The Servicing Representative will not recommend, nor sign, any agreement that contains concessions, two-tier provisions, or will have a negative impact on other Local Unions or a sector.
23. The Regional Director or Assistant Regional Director will provide guidance to staff in these matters. Such guidance may include direction to stop the bargaining process, recommending the Local Union delay bargaining until a better pattern emerges in the region or the sector, or attending a membership meeting for the purpose of recommending the Local Union reject the tentative agreement.
24. The Regional Director or Assistant Regional Director must alert the Provincial Division Officers, the National Officers, and the Managing Director of Organizing and Regional Services when a Local Union is about to sign a tentative agreement that contains concessions, two-tier provisions, or will have a negative impact on a sector or other Local Unions.
25. Where all other avenues have been exhausted and it is clear that a local union or bargaining council is headed towards a tentative agreement that contains a two-tier provision or will otherwise have a negative impact on a sector or other Local Unions, the National Officers and Executive Board will exercise their powers under the constitution.
26. The National President will provide the National Executive Board with quarterly reports on the progress of our efforts to fight concessions, resist two-tier contract provisions, and defend collective bargaining.
27. The National President will advise all staff of this policy, including discussing with them the role staff will be required to perform to ensure that the policy is successfully implemented. The National President will also advise Local Unions of this policy, and include it in his address to division conventions.