

# *“The Year of the Strike”*: Preparing for a Labour Disruption

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Bargaining and Strategic Strike Planning

Strikes and Lockouts

Pre-Planning

Communications

Picketing

Preparing for a Labour Injunction

After the Strike: the Return to Work

1

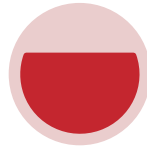
# Bargaining and Strategic Strike Planning



## Preparation

Consultation with stakeholders

Development of bargaining proposals



## Negotiations

Exchange of proposals

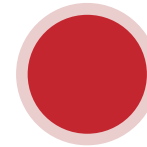
Bargaining Sessions

Conciliation/Mediation

If an Agreement is Reached –

Memorandum of

Settlement



## Ratification

The Union holds a Ratification Vote

Council Ratifies following the Union's acceptance

# Bargaining – If the Parties Reach an Impasse

Conciliation



“No Board”  
report



Clock starts for  
a legal  
strike/lockout  
17 days after  
“No Board”  
notice

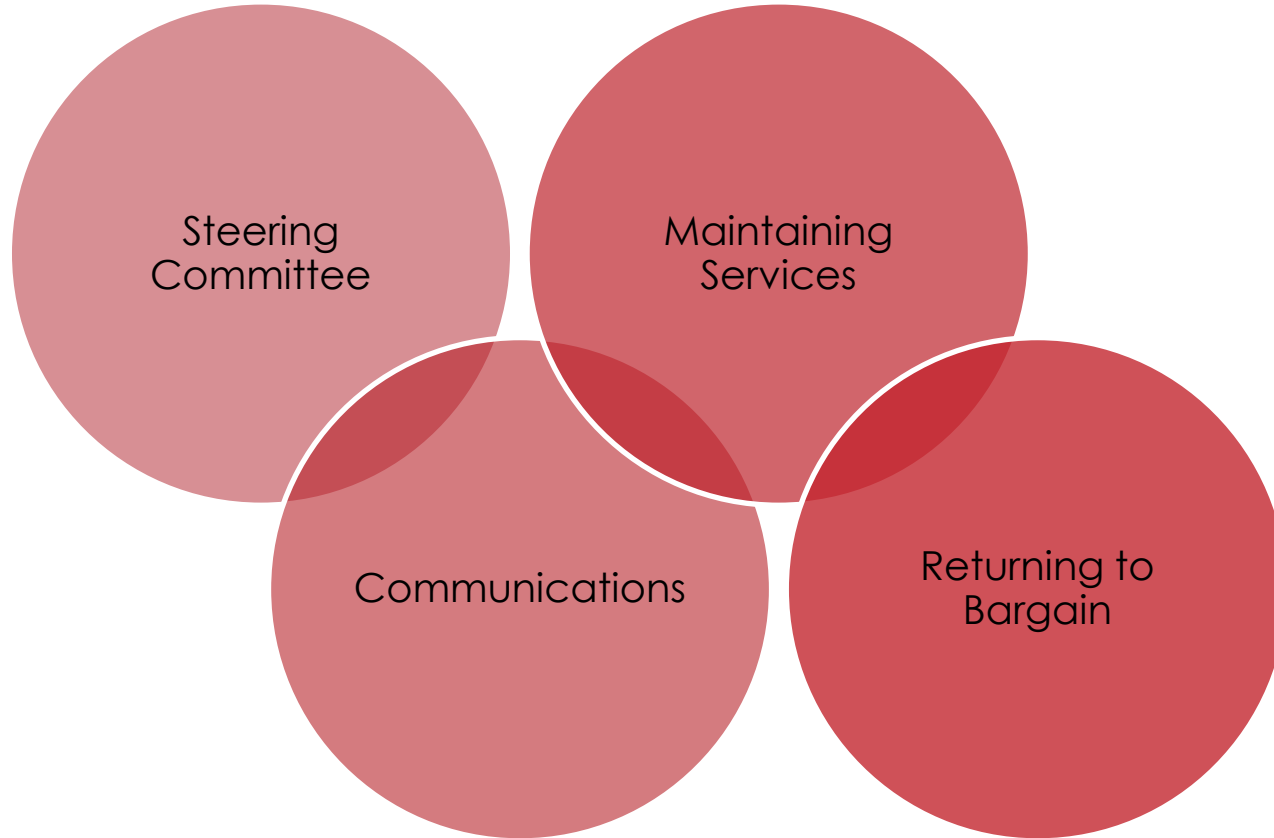


After 17 days:  
Collective  
Agreement is  
inoperable,  
and  
strikes/lockouts  
are permitted  
by law

## Bargaining – Final Offer Votes

- A one-time vote by employees, run by the OLRB
- Timing of application: Very flexible
- Process of offer: Must be presented to the union
- Content of offer: Must be comprehensive
- Cannot be used as an extension

# Bargaining – Strategic Strike Planning Considerations



2

# Strikes and Lockouts



## *Labour Relations Act, 1995*

- “Strike” includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output

Lawful strikes:



Can take many different forms



Need not involve the entire bargaining unit



Need not be persistent or consistent



Are intended to be inconvenient

## When is a strike lawful?

- “No Board” report notice has been issued
- Collective agreement must no longer be “in operation” – 16 days must have passed after the No Board Report
- An *OLRA* strike vote must have been taken
- Five days’ notice of the strike must be provided

# Unlawful Strikes

Can occur over issues outside of collective bargaining

Unlawful strikes are handled through the OLRB

Urgent hearing (usually within days)

Remedy: Cease and desist order with notices to employees

## *Labour Relations Act, 1995*

- “Lock-out” is the closing of a place of employment, a suspension of work, or a refusal to continue to employ a number of employees, with a view to compel or induce employees to stop exercising rights to strike or to agree to terms or conditions of the collective agreement.

3

# Pre-Planning

# Compile Contact Information

Management  
Personnel

Negotiating  
Teams

Suppliers /  
Customers

Union Officials

Emergency  
Services

# Priority Items for Human Resources

## General

- Advise local representatives
- Closely monitor Workers' Compensation Program
- Set up manning table for each department

## For Non-Union Employees

- Develop a General Orientation
- Determine capabilities for carrying on work
- Advise individuals of their duties during the strike

## For Replacement Workers

- Conduct thorough background checks
- Arrange for job training as necessary



- Determine the status of employees
- Review contractor agreements for obligations connected with a strike
- Consider labour legislation (i.e., duties and requirements)
  - Unfair labour practice
  - Signage
  - Non-union employees who refuse to cross the picket line

# Ensure the Municipality Continues Operating



Security



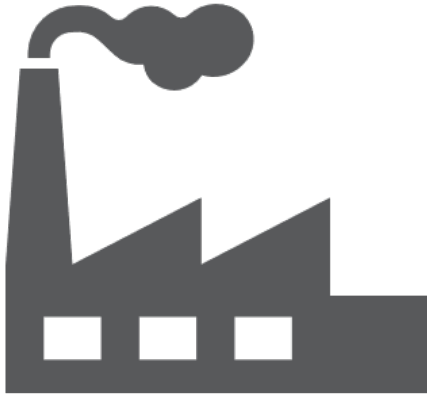
Transportation



Accounting



Maintenance



Production



Health &  
Safety



Purchasing

4

# Strategic Communications

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Internal:  
Managers and  
Non-Union Staff

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Striking Staff and  
Union

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Public and  
Media

# Monitoring Union Communications

Union communications to get a deal or orchestrate strike activities

Union social media communications

Union tactics at the table

Union dynamics to ratify a deal



5

## Picketing

Engages  
*Charter of Rights  
and Freedoms*

Employer  
expected to  
suffer  
inconvenience  
and economic  
pain

Police  
assistance  
limited:  
Seek external  
security experts  
& use Picket  
Monitors

Responses to  
Unlawful  
Activity:

- Negotiated protocols
- Injunctions





# Developing a Picket Line Protocol

- Create and try to negotiate a Picket Line Protocol
- The Picket Line Protocol addresses items such as:
  - Entry and Exit of Vehicles
  - Picketing Activity
  - Union Facilities
  - Emergency Vehicles
  - Picket Captains

- What do we do?
  - Engage with the Union's Picket Captains
  - Call the Police
  - Apply for injunctive relief

6

# Preparing for a Labour Injunction

## Test for Obtaining an Injunction

- The picketing must involve unlawful or tortious conduct
- Reasonable efforts to obtain police assistance to prevent/control the picketing must have been unsuccessful
- The employer would suffer irreparable harm if the injunction was not granted

# Labour Injunctions – Irreparable Harm

Harm that cannot be compensated by monetary damages

Determined on a case-by-case basis

Harm must result from the picketers' conduct

Harm must not be the result of the withdrawal of the employees' services

Evidence usually  
obtained from:

- Security personnel
- Picket Monitors
- Management personnel/Non-Union employees

Affidavit  
Content:

- Vehicles delayed and length of delay
- Effects of obstructions
- Calls to the police and results
- Incidents/harassment on the picket line
- Detail any damage to property

7

After the Strike:  
Return to Work



Reinstatement after  
the strike

Return to Work  
Protocol



**Thank You**