

W.A.N.T.E Bulletin

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DECEMBER 9, 2021

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COLLECTIVE BARGAINING UPDATE

Dear Members,

“**When are we going to strike?**”, has been the most frequently asked question of the Collective Bargaining Committee and of Council and Executive members. We will not be asking our members to strike over the holidays.

There has been much misinformation/rumours circulating. This is the correct information.

Planning a Strike

For a strike to be a legal action we need to follow certain steps:

1. Get a mandate from our membership. We did that.
2. Plan for any action to last 60 days. We do not want to be on strike for that length of time, but we **MUST** plan for the strike to last that long **BECAUSE** if the Division refuses to negotiate fairly during that time, on the 61st day, we can then apply for interest arbitration. The Arbitrator would force the two groups together and would make the agreement binding after listening to both sides. The decision by the Arbitrator is final.
3. To apply for interest arbitration, we must prove that we have done everything possible to come to an agreement. For at least 30 days during a strike or lockout, the parties must have attempted to conclude a new agreement "with the assistance of a Conciliator, mediator or another person jointly selected by the parties to assist them."

We have submitted our request for a Conciliator. We have contacted Dennis Harrison. He is also acceptable to the Division. (This is important: both sides must agree on the Conciliator) He has acted as Conciliator with other bargaining units within the Division. He has decades of experience in this area, mostly as a Conciliator and mediator working for MB Labour and was Director of Conciliation and mediation before his retirement. He is now a vice-chair at the Labour Board and continues to do conciliation, among other things.

4. The 10 days notice to the Division prior to striking is written in our contract. We can give the Division more than 10 days notice, but not less than 10 days.

“**When is the deadline for the Division to respond?**” **The Division has agreed to meetings with a Conciliator.** On Wednesday, December 8, 2020, our Negotiator informed us that the Division and the Conciliator have confirmed meetings dates on January 11 and/or January 20, 2022. We are expecting a proposal from the Division. The fact that the Division is willing to participate in conciliatory meetings indicates that the strike mandate has the Division's attention.

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“Members Working for Members”

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"This is taking too long! We want to strike now!". We are in a legal strike position, but we cannot call a strike at this time because the Division has agreed to come to the table. If we call for a strike now, we would not be bargaining in good faith and all negotiating would abruptly end. It would be a mistake to call a for a strike now. The outcome of the meetings with the Conciliator will determine our next course of action. Updates will follow.

"What is a Conciliator?" A Conciliation Officer is an individual employed by the Department of Finance to provide assistance in resolving outstanding labour relations issues between employers and employees. Conciliation Officers are available to assist parties to overcome difficulties and reach an agreement in collective bargaining. A Conciliation Officer's task is to keep the parties communicating and working towards a settlement. Conciliation services are conducted under a strict code of confidentiality.

It is helpful to get a conciliator appointed because:

1. The conciliator can encourage (and even force) the parties to meet.
2. Upon conclusion of negotiation both sides can say that the deal was in line with an independent third party's assessment of a fair contract.
3. A conciliator provides encouragement for parties to move on their proposals or provide something closer to their best offer.
4. If it comes to a strike and we have to apply for interest arbitration, the Labour Board has to assess whether we have been bargaining in good faith. An earlier attempt at bargaining with the assistance of a conciliator is a good indicator that we are bargaining in good faith.

Your Collective Bargaining Committee
Bruce Zilkowsky (Chair)
Tricia Wiebe (Co-Chair)



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