

BC Building Trades Bargaining Council B.C.B.C.B.T.U.

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BACKGROUND TO THE SETTLEMENT OF THE 2019-2023 COLLECTIVE AGREEMENT

- Since 1978 the Building Trades have been legally required to bargain with CLR through the Bargaining Council. Some bargaining is done by all the trades together at the “main table”. Other bargaining is done by individual trades at “trade tables”.
- In early 2015, the Labour Board made a decision requiring a “Protocol Agreement” for each future round of bargaining, because of the long delays that had occurred in previous rounds of bargaining. A Protocol Agreement contains rules for how bargaining is conducted.
- The first Protocol Agreement applied to the 2015-2016 round of bargaining. It contained provisions requiring either interest arbitration or a Labour Board decision about how bargaining would conclude (which could include interest arbitration), if an agreement couldn’t be reached by a deadline. Interest arbitration is a process where an arbitrator decides what will be in the new collective agreement. Trades that have gone to interest arbitration have had a variety of concessions imposed by interest arbitrators. Some trades ended up going to interest arbitration in the 2015-2016 round of bargaining.
- There was another Protocol Agreement for the 2018-2019 round of bargaining that just concluded. This Protocol Agreement again contained provisions requiring interest arbitration or a Labour Board decision if an agreement couldn’t be reached by a deadline. The key deadline under the Protocol Agreement was January 31, 2019. After that date, there was a process for going to interest arbitration or a Labour Board decision about how bargaining would conclude.

- The 2018-2019 round of bargaining started with an exchange of bargaining proposals in September 2018. CLR was trying to get a wide variety of concessions at both the main table and the trade tables. One of the biggest concessions CLR was trying to get was one called “Favoured Nations”. Under this CLR proposal, CLR could have gutted the agreements of all of the trades. CLR was also trying to get many other concessions to wages and working conditions.
- Bargaining took place, but no agreement was reached.
- On January 21, 2019, the Labour Board extended the timelines under the Protocol Agreement to February 15, 2019.
- More bargaining took place, but no agreement was reached.
- On February 8, 2019, CLR broke off bargaining.
- On February 14, 2019, because CLR had broken off bargaining and was still trying to get all sorts of concessions including Favoured Nations, the Bargaining Council passed a motion to hold a strike vote.
- On February 15, 2019, the Labour Board extended the timelines under the Protocol Agreement again to allow the parties to return to bargaining with a mediator. As a gesture of goodwill, the Bargaining Council held off on scheduling the strike vote.
- Bargaining continued with the mediator, but no agreement was reached.
- On April 8, 2019, CLR broke off bargaining again.
- CLR and the Bargaining Council then made written submissions to the Labour Board. CLR said the Labour Board should order all outstanding main table and trade table issues to interest arbitration. The Bargaining Council said the Labour Board should direct further bargaining instead.
- On April 18, 2019, the Labour Board made a decision directing that bargaining continue with the mediator, and that there be no strike vote until it issued its next decision.
- Bargaining continued with the mediator, but no agreement was reached.

- On May 17, 2019, the Labour Board made a decision directing that bargaining continue with the mediator, with the mediator issuing non-binding recommendations if no agreement was reached. The Labour Board also directed that there be no strike or lockout vote until it issued its next decision. The next Labour Board hearing was scheduled for May 31, 2019.
- Bargaining continued with the mediator, but no agreement was reached.

- On May 31, 2019, the mediator issued non-binding recommendations. Those recommendations included both a recommended settlement of all outstanding bargaining issues, and recommendations for different options for concluding this round of bargaining.

- The mediator's recommended options for concluding this round of bargaining were:
 1. Holding a vote on the recommended settlement, but only if both sides would agree to do so and to recommend acceptance by their members; or
 2. Having the Labour Board pick one of two further options:
 - a. Final offer selection by an arbitrator; or
 - b. Imposition of the recommended settlement by the Labour Board.

- The CLR would not agree to the option of holding a vote on the recommended settlement, so that option was out.
- That left final offer selection or imposition of the recommended settlement. Neither one of these options involved a vote by the members. Both the CLR and the Bargaining Council indicated their preference for imposition of the recommended settlement on May 31, 2019. The Labour Board then picked that option and imposed the recommended settlement.
- The Bargaining Council preferred imposition of the recommended settlement over final offer selection because the settlement could have been much worse under final offer selection. Under final offer selection, an arbitrator would pick between the two side's final offers. The mediator's recommendations were much closer to the Bargaining Council's last position in bargaining than to CLR's last position in bargaining. The last offer CLR had made to the Bargaining Council was much worse than the mediator's recommended settlement.
- So under final offer selection the deal could have either got a bit better than the mediator's recommended settlement, or a lot worse than the mediator's recommended settlement. Given this, the decision of all members of the Bargaining Council present at
- the Labour Board on May 31, 2019 was that imposition of the recommended settlement was preferable to final offer selection.

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QUESTIONS AND ANSWERS

What is my new collective agreement?

Your new collective agreement will contain whatever has been agreed at the trade table for your trade, plus the mediator's recommendations at the main table for all trades.

Your union will provide you with the details of what was agreed at the trade table for your union.

The mediator's main table recommendations are attached.

New collective agreements will be prepared that incorporate these changes.

Why isn't there a vote on the new collective agreement?

The mediator made recommendations for settling this round of bargaining. Those recommendations included both a recommended settlement of all outstanding bargaining issues, and recommendations for different options for concluding this round of bargaining.

The mediator's recommended options for concluding this round of bargaining were:

3. Holding a vote on the recommended settlement, but only if both sides would agree to do so and to recommend acceptance by their members; or
4. Having the Labour Board pick one of two further options:
 - b. Final offer selection by an arbitrator; or
 - b. Imposition of the recommended settlement by the Labour Board.

CLR would not agree to the option of holding a vote on the recommended settlement, so that option was out. That left final offer selection or imposition of the recommended settlement. Neither one of these options involved a vote by the members. Both CLR and the Bargaining Council indicated their preference for imposition of the recommended settlement on May 31, 2019. The Labour Board then picked that option and imposed the recommended settlement.

Why did the Bargaining Council prefer imposition of the recommended settlement over final offer selection?

The Bargaining Council preferred imposition of the recommended settlement over final offer selection because the settlement could have been much worse under final offer selection.

Under final offer selection, an arbitrator would pick between the two side's final offers. The mediator's recommendations were much closer to the Bargaining Council's last position in bargaining than to CLR's last position in bargaining. The last offer CLR had made to the Bargaining Council was much worse than the mediator's recommended settlement.

So under final offer selection the deal could have either got a bit better than the mediator's recommended settlement, or a lot worse than the mediator's recommended settlement. Given this, the decision of all members of the Bargaining Council present at the Labour Board on May 31, 2019 was that imposition of the recommended settlement was preferable to final offer selection.

Why were there mediator recommendations?

The reason there were mediator recommendations is because the LRB ordered them under the Protocol Agreement.

What is the Protocol Agreement?

The Protocol Agreement is a set of rules for this round of bargaining.

Why is there a Protocol Agreement?

The reason there is a Protocol Agreement is because the Labour Board has required a Protocol Agreement for the past two rounds of bargaining.

What would have happened if the Bargaining Council rejected all of the mediator's recommendations?

If the Bargaining Council had rejected all of the mediator's recommendations, the Labour Board would have made a decision about how bargaining would conclude. No one can say for certain what the Labour Board would have decided.

The Labour Board could have chosen one of the two options for concluding bargaining that were recommended by the mediator (final offer selection or imposition of the recommended settlement). The Labour Board could also have decided something else, such as allowing the parties to strike or lockout, or interest arbitration (an interest arbitration where CLR might have pursued a variety of concessions). The Bargaining Council would not have been able to control the outcome – it would have been in the hands of the Labour Board.

Why didn't the Bargaining Council take a strike vote and go on strike?

The Labour Board repeatedly ruled that the Bargaining Council could not take a strike vote until the Labour Board had decided how bargaining would conclude. One of the possible ways that the Labour Board could have decided bargaining would conclude was by allowing the parties to strike or lockout. However, this was not one of the options recommended by the mediator, and was by no means guaranteed. Other options such as final offer selection could have produced a result that was much worse than the recommended settlement.

Respectfully Submitted by:

Brian Zdrilic – Chair of BCBCBTU Negotiating Committee.

For any further information on your collective agreement, please contact your Local Union

