

Negotiations Survival Handbook



COLLECTIVE BARGAINING

BETWEEN

**LOCAL LODGE 2413,
DISTRICT LODGE 140,
INTERNATIONAL ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS,**

AND

CONSOLIDATED AVIATION FUELING OF TORONTO ULC

November 2011

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I AM - REPRESENTING YOUR FUTURE



INTRODUCTION

Let's face it, the period devoted to negotiating a new contract is a time filled with questions, uncertainty and high anxiety. It is no less than a roller coaster of emotions guaranteed to rival that of any amusement park ride.

Repeated about every two to five years, the negotiations process is one that cannot be avoided since you and your families need a contract that ensures good wages, good benefits and good working conditions. **You deserve no less.**

The *Negotiations Survival Handbook* is part of a communications plan designed to increase participation from all levels of our membership. Its purpose is to explain to **you** how the negotiations process works, talk about your role in the negotiations process, i.e., what **you** – as a member – can do to help, and give you tips for coping with the pressures and anxiety experienced during contract time. For this reason, **you** will find a section that exposes some of the tactics the Company will try to use on you to put doubt in your mind and create turmoil amongst our ranks. We have also included an overview of your rights under the Canada Labour Code and a section answering the questions that usually surface during negotiations.

When using this handbook, please remember one thing: Together, standing strong as one union and speaking as one loud voice, we can improve our standard of living.

Your support is vital to the success of these negotiations. We will be calling on **you** to step up and help us lead our membership to a successful contract. As we approach the date of the final contract vote, communicating with each other will be the key. Always keep this in mind.

Your Negotiating Committee hopes that this handbook will answer your questions, help **you** remain strong, and give **you** the tools to support your fellow union brothers in the weeks ahead.

In solidarity,

Your Negotiating Committee

Dan Tremblay, Luis Ferreira, Pasquale Mudie, Chris Patchett, Stan Theofilaktidis,
Mississauga Lodge - Local 2413,

Michael Corrado, Sandro Sperduti

International Association of Machinists and Aerospace Workers

HOW THE NEGOTIATIONS PROCESS WORKS

The negotiating process starts when the membership elects the Negotiating Committee members and this new committee is seated. Your Committee starts by reviewing what took place over the last few years, carefully looking at what has worked and what hasn't, and what has had a positive or negative effect on the membership.

Any Negotiating Committee member will tell **you** that there is a lot of discussion between the members as to what can be done to improve the next contract's outcome. They will also tell **you** that they rely on what they hear from **you**, the member.

The elements that help the Committee focus on specific areas for negotiation include:

- Feedback from surveys aimed at understanding what is most important to the membership. These surveys provide important information that might otherwise remain unknown.
- Discussions with members at the work site and during monthly or special called union meetings. These meetings bring to light issues that the membership feels strongly about and that no survey or second-hand reporting could possibly communicate to the Committee.
- A thorough review of sample bargaining agreements in our industry.
- Feedback from Union representatives who will be on the front line with the Company on a daily basis during bargaining. This is why it is so important for **you** to elect good representatives and keep them informed about what is going on. Your representatives can't be everywhere, so he or she must rely on **you** to know what is happening in your workplace.
- To craft the best proposals, industry standards are carefully reviewed by the Committee, as well as regional trends in our field.

These are just some of the resources the Committee relies on to begin putting together a contract proposal.

How does the Committee actually do its work? Its members meet on a regular basis, working occasionally into the late evening hours. As the date of the contract talks approach, the members start meeting more frequently, in some cases every day, to finalize their proposals before the face-to-face negotiations with the Company begin.

The Union and the Company Negotiating Committee meet off site for full-time sessions at mutually agreed upon times, frequency and locations. The objective of both Committees is to complete an agreement as soon as possible without leaving any subject of concern unaddressed.

This completes our brief summary of the negotiations process, which we hope sheds some light into all the steps that go into creating a work contract. More importantly, we hope **you** never forget that the wages and benefits **you** receive are the result of a collective bargaining process and are not a gift from the Company. Without the legal protections of a collective bargaining agreement, the Company can alter the health insurance benefits, holidays, shifts, pensions, and many other benefits we currently enjoy or have succeeded in obtaining.

There is one more very important piece in this process and that is **you**, the Union member! **You** are the true power behind this Union. **You** can let the Company know how **you** really feel. **You** have the final say as to whether or not **you** will accept or reject the Company's final offer. **You** are the real force that makes this Union!



YOUR ROLE IN THE NEGOTIATIONS PROCESS



Negotiating a work contract for our members is one of the most important reasons for having a union. The new contract sets the stage for a given period of time, dictating all wages, benefits and working conditions. It has a major impact on each of us since it determines how much money we will earn to help us support our families and maintain our ability to keep up with the ever-rising cost of living (e.g., gasoline, groceries and your utility bills), life insurance, the out-of-pocket costs of our benefits, our ability to plan for retirement, and how the Company will deal with us.

Having a good negotiating committee is an important step in this process but the single most important factor in the negotiations process is **you** – the member. This cannot be stressed enough. Our strength as workers is in our unity. The more bargaining unit employees there are in the Union, the greater our ability to negotiate the best possible contract. The more workers are active and involved in the Union and the negotiations process, the better our chances of obtaining a contract every one of **you** deserves.

We shouldn't kid ourselves: Long before we begin negotiations, the Company already has a good idea of our strengths and our weaknesses. They know our membership's strengths and, because they listen to what we are saying on the floor, they have a pretty good idea of what we are thinking. They know this not always because we tell them (though some members do tell their supervisors) but because we air our dirty laundry (our likes and dislikes) in front of them. As union members, we all need to understand that everything we say and do out on the floor is communicated right up the chain of command. The Company knows our business.



Have **you** ever noticed that management never airs its dirty laundry in front of us? That's not because they don't have complaints and gripes about their own leadership. They're just better at voicing their complaints behind closed doors, where we can't hear them. As Union members, we need to take notice of this and be as professional as them – if not more so – and keep them guessing. When we do this, it keeps them off balance since they have no idea what we're thinking or planning. Without this knowledge, the Company is forced to approach us more cautiously because they're not sure how we will react to an unfair contract offer. This sets the mood of the negotiations at the table.

Take advantage of what past Union members have fought for, no matter how small the issue seems to be. Do not devalue any contractual right under the collective agreement.

*What can **you** do to help?*



As a member, there are many things **you** can do to help increase our chances for successful negotiations.

- Explain to management that **you** expect the Company to give **you** a fair contract.
- If your supervisor asks if the Union plans to go on strike, tell him or her that it all depends on the Company's willingness to negotiate in good faith and give us a fair contract.
- Support each other, talk to your fellow members and share information with them.
- Fill out all Union surveys.
- Participate in all Union meetings and informational forums.
- Wear your Union gear (Hats, lanyards, stickers, etc.) to give the Union visibility and show our solidarity.
- Make sure your representatives are forwarding **you** information and updates during negotiations. Keep up to date by reviewing the Union's website and bulletin boards.
- Volunteer for one or more of the sub-committees that will be formed in the event we are required to vote on work stoppage. Volunteer any talents or skills **you** may have to help other members in times of need. With the many trades and skills in our ranks, we can provide vital services to one another should these be needed.

We hope **you** see how critical **you** are to the outcome of negotiations. *Should **you** be interested in participating or if **you** need help, contact your local lodge.*

COPING WITH THE PRESSURES OF NEGOTIATIONS

As stated at the beginning of this handbook, contract time is a roller coaster of emotions for all of us. Understanding some of the events that are about to take place will help **you** know what to expect and put things into perspective.

If the Company really cares about us, they should be willing to treat us with the respect we deserve by agreeing to a decent contract that includes employee rights, general wage increases, better retirement and health benefits, and job security. As we head into negotiations, remember these things. And when **you** start to get caught up in that roller coaster of emotions, **STOP** and take a deep breath and be attentive to just what it is that the Company is saying and doing.

The Company will try all kinds of tactics to scare **you** and put doubt in your mind. Members may notice that supervisors are being more “chatty” than usual and asking questions about negotiations. If **you** are friends with anyone in management, expect this friendship to be exploited for information that will find its way to the Company’s negotiators. Remember that this is all part of the Company’s game to keep **you** off guard and divide us as a group. It is their way of POLLING to see how strong the membership is and, in turn, how much the Company will have to give for the tentative agreement to pass.

Our members ensure there is a continuous flow of fuel at the airport. We fix the broken equipment to keep production up and running. We are the workers who keep the flying public in the air. We keep the facility presentable to our customers and guests. We provide the services that will keep our customers moving. **We deserve a fair contract!**

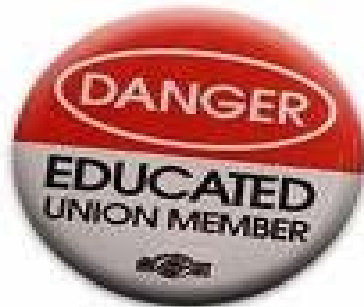
We are the ones who ensure safe and reliable customer service. Though the Company’s number crunchers think we are just numbers, a cost to be passed on to the airlines and their fuel committees, we’ll show them where the numbers say it makes good business sense to offer us a good work contract. **We deserve the best contract.**

YOUR RIGHTS UNDER THE CANADA LABOUR CODE

- Management cannot attend any Union meeting, park near the location where a Union meeting is held or engage in any undercover activity that would indicate that employees are being kept under surveillance to determine who is and who is not participating in any Union activity.
- Management cannot ask employees about Union matters, meetings, etc. (Some employees may, of their own accord, walk up to management and tell them of such matters. Though it is not an unfair labour practice to listen, asking questions to obtain additional information is illegal.)
- Management cannot ask employees what they think about the contract negotiations. (Your Negotiating Committee is your collective voice to the Company.)
- Management cannot ask employees how they intend to vote.
- Management cannot make anti-Union statements.
- Management cannot transfer workers on the basis that these workers are taking part in Union-supporting activities.
- Management cannot take harsher disciplinary action against a member because of his union activities.
- Management cannot threaten workers or coerce them in an attempt to influence their vote.
- Management cannot threaten a Union member through a third party.
- Management cannot change a Union member's working conditions once notice to bargain has been served.

Violation of any of these items is a violation of the Canada Labour Code and could be grounds for unfair labour practice charges against the Company. Let your Union Representative(s) know!

Make it a point to know your rights. If you don't know your rights, you have none. United we bargain, divided we beg!



THE BARGAINING PROCESS AT CONSOLIDATED AVIATION

- Within 120 days of the expiry of the current collective agreement, either party can give notice to commence bargaining.
- Once notice to bargain has been given and received, both parties must meet within 20 days to commence bargaining.
- If the parties are unable to reach an agreement during the negotiations process, either party may inform the Labour Minister by sending a notice of dispute. Within 15 days after receiving this notice, the Minister will appoint a conciliator to assist the parties into negotiating an agreement.
- Within 14 days after the date of the conciliator's appointment, the conciliator must report to the Minister as to whether or not he or she succeeded in assisting the parties into reaching an agreement.
- If the Union proceeds with a strike vote, this vote must meet the criteria of a two-thirds majority of the membership (a constitutional requirement of the IAMAW). The Union then has 60 days to give notice to strike. If this deadline is not respected, the vote must be retaken.
- The Union cannot strike unless written notice is given to the Company and a period of 72 hours has passed. Only at this time will the Union be in a legal position to strike.
- A "lockout" is the Company's version of a "strike." The management team votes to proceed with a lockout and serves the Union with such notice. A period of 72 hours must then pass for the Company to be in a legal position to lock out its workers.
- In both scenarios – a strike or a lockout – the collective agreement must have expired.

SINGLE EMPLOYER MEMORANDUM OF AGREEMENT & NOVEMBER 30 2013

In 2000, the IAM&AW filed Single Employer applications with the Canada Industrial Relations Board (CIRB) in an attempt to bring a more realistic and orderly bargaining structure to the fueling system and to stop the constant attempts to ratchet down wages, benefits and working conditions of our members performing this work. Most importantly we needed to stop the contracts from going out to bid and our members not having “continuation of employment”.

Our position and argument was that the consortium of airlines and their fueling committees exercised significant control and direction over the various fueling operations and more specifically, in Toronto, the Consolidated Aviation operation.

This attempt was fiercely resisted by the carriers and their fuel committees as they simply wanted to carry on “business as usual” without any interference from anyone as to how they control, who does the fueling and how long and under what pay, benefits and conditions. We fought them at the labour board (CIRB) for many months and eventually with the assistance of the Board and their officers, the parties reached a settlement.

Fortunately in November 2002, we were able to reach a deal that provided our members with 11 years of job security (until November 30, 2013) and a deal where we would still have the ability to negotiate improvements to our Collective Agreement during this 11 year “stability period”.

November 30 2013 is rapidly approaching and your union is actively taking steps to secure our jobs for many more years to come. We need to prevent the airlines and their related fueling committees from putting our jobs out to bid to the cheapest service provider!

FREQUENTLY ASKED QUESTIONS AND ANSWERS

“Leading the fight to make it right.” We believe the right thing to do is to work to maintain and improve the quality of life for every member.

This FAQ section was developed to provide you with answers to many common questions you may have throughout negotiations.

Your support throughout the negotiations process will determine our strength at the bargaining table.

Q: *How can I help during the negotiations process?*

A: Participate in the discussions, rallies, surveys and other events showing solidarity. Wear the appropriate Union insignia at the designated times in unity with your brothers and sisters. Talk strong about the issues on the shop floor because solidarity works.

Q: *Why might we have rallies during negotiations?*

A: It is very important that our membership demonstrate their support for the Union and the issues they have said are critical to them. Having large numbers at rallies sends a powerful message to the Company, a message conveying that we are unified and strong. Family and friends are highly encouraged to attend. The more people the Company sees at a rally, the more this indicates to them the level of support the negotiators have from the membership.

Q: *How will the Union keep me updated on negotiations?*

A: We will provide regular updates via our website, emails, newsletters, general meetings and information handbills, and through your shop representatives.

Q: *What should I say to support the Union's efforts in negotiations when I am asked by management to give my opinion?*

A: Supervisors and other managers will be out in force trying to gauge our members' support on various issues. They will then send this information right up to the Company's negotiators. The best way to win a good contract is to be strong and united on the shop floor. The Union negotiators are looking out for your best interest; the Company is looking out for its best interest. **You** can help support your co-workers (your Union) throughout negotiations by sending a strong, unified message to Company management about better pensions, benefits and job security, as well as other issues that are important to all of us, such as contracting out work. Tell the Company to do the right thing for its workers.



Q: *How much influence does the IAMAW Grand Lodge have on the outcome of our contract?*

A: Your Negotiating Committee gets advice and any help it needs from the top leaders of the IAMAW during negotiations. We get assistance from various Headquarters' departments such as Strategic Resources, Legal, Communications, and Community Services. Our local leadership relays to them our membership's needs and concerns. However, only your elected Negotiating Committee can vote on whether or not to recommend the members to accept the Company's offer or to recommend a strike, and only the membership can vote at the ratification meeting.

Q: *When will we be able to get details on any tentative agreement?*

A: Once negotiations are completed, the Union will make available to its members a summary of the contents, highlighting important issues.

Q: *When the Company delivers its final offer to the Negotiating Committee, what happens next?*

A: Once the Union Negotiating Committee has reviewed the Company's final proposal, it must recommend **you** to accept or refuse the proposed contract.

If it recommends **you** to accept it, this is the time to stay solid and to trust your Committee's recommendation.

If it recommends **you** to reject it, a separate vote will be conducted to validate the rejection of this proposal.

At the same time, the Company will launch its own campaign to sell the contract to the members immediately following its delivery to the Union negotiators.

Q: *How much time do we have to review the proposed settlement?*

A: The proposed settlement will be passed out before and at the beginning of the proposed settlement meeting. During this meeting, the Committee will go over the document line by line and answer questions from the members immediately after. This question-and-answer session will be followed by a ratification vote the next day.

Q: *How and where do I vote on the proposed settlement?*

A: A ratification vote will be held in your area, at which time the proposed settlement will be voted upon. There will be announcements informing **you** of the locations and times of these meetings.

Q: *How does the proposed settlement vote take place?*

A: The vote can be handled in one of the following three ways:

1. At any time after the exchange of proposals, either party (usually the Company) may apply to the CIRB to conduct (force) a vote on the acceptance or rejection of its most recent offer presented to the other party. Each party may apply for a vote under this format **only once** during bargaining.
2. The vote can be requested to the CIRB during mediation if one party accepts the recommendations of the mediator.
3. During bargaining, the Negotiating Committee for the Union can take a Company settlement offer to the membership with a recommendation for acceptance or rejection.

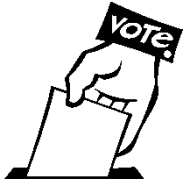
Q: *Who is eligible to vote?*

A: Members who are currently working and are in good standing with the Union (not retirees or those on permanent layoff status).

Q: *How are the ballots counted?*

A: Ballots will be counted immediately after all votes have been cast and collected. The count will be performed by members of the Negotiating Committee along with scrutinizers appointed by the local lodge. The result will be forwarded to the shop stewards and posted on the Union website.

Q: *Why does it take a two-thirds vote to call a strike?*



A: Anytime you go into a possible strike situation, **you** want to be sure that a two-thirds majority of the membership support calling a strike. Going on strike with less than two-thirds could result in a weak picket line. This is why the IAMAW's Constitution requires a two-thirds majority to call a strike. If the majority of the membership (50% + 1) was all that was required to call a strike, our chances of winning a good contract through a strike would decrease dramatically.

The bottom line is: Calling a strike is serious business. The leadership needs to be sure that two-thirds of the membership is willing to walk the line before taking this type of action.

Q: *Can the Company fire me if I go on strike?*

A: No! Article 87.6 of the Canada Labour Code protects workers from this action. However, once a strike or lockout is in place, the current collective agreement is null and void.

Q: *Can the Company hire replacement workers if I'm on strike?*

A: Yes, it is allowed to hire replacement workers and may threaten to do so. But in reality, hiring 300 highly skilled and certified hourly workers would be a huge undertaking.

Q: *How much money a week will I get for strike benefits?*

A: Since January 1, 2005, the IAM&AW's strike benefits are \$150 per week. Benefit payments are paid as of the third week. Strike benefits shall continue to be paid until the last day of the week during which the strike has ended. Remember: The Company payroll is one week back in pay for the current week and the Company cannot withhold pay you are owed.

Q: *How much time is required of me each week to qualify for strike benefits?*

A: The time devoted to tasks related to the strike (picket duty, phone bank, office assistance, distribution of newsletters, etc.) will be defined by the strike committee.

Q: *Will I still have benefits if I go on strike?*

A: No, only basic medical in your province, no extended health, dental or other negotiated benefits.

Q: *What are strike committees?*

A: Strike committees are used to help organize and lead an effective strike and to help our members.

Q: *What if I physically can't do picket duty if we go out on strike?*

A: Many of the jobs that need to be done don't require much physical strength (i.e., clerical, phones, etc.). The Union will work with our members who have special needs.

Q: *Will the Union continue to negotiate if we're on strike?*

A: Yes. Since the ultimate goal is to obtain a good contract, the Negotiating Committee will continue to meet with the Company to try and reach an agreement.

Q: *What is back-to-work legislation?*

A: The federal government could enact legislation to end a strike or lockout if it considers that the work stoppages are harmful to the economy or that the services we supply are essential. Back-to-work legislation is either a saviour or a subverter, all depending on which side of the fence you're on.

Q: *How long can legislation take?*

A: In the past, the Federal government has taken as little as two days and as long as four months to pass the bill.

Q: *Is back-to-work legislation common?*

A: Since 1950, the government has used its powers 33 times and most recently over unionized airline workers.

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YOUR RESOURCES

- Local Lodge 2413 website: www.iamaw2413.org
- Local Lodge 2413 bulletins
- District Lodge 140 website: www.district140.ca
- District Lodge 140 bulletins
- Your local lodge office
- The monthly meetings of your local lodge