
Hi Ollie,

Your story on Cabin Radio hit a lot of the right points on binding arbitration and the GNWT.

There are a couple of things we would like to clarify for members' information.

The UNW bargaining teams (GNWT and NTPC) knew exactly what they were doing when they offered binding arbitration to the employer in last rounds of mediation.

It is a fundamental, constitutional right that all unions fight for - the right to strike. Otherwise what leverage do the workers have?

We know the risks:

- The Employer could hold this over our heads in future negotiations. It could potentially affect future bargaining and other units.
- An arbitrator decision could give us something we don't want.

However. Just because it is no longer a specific requirement step in bargaining process in the Public Service Act (PSA) doesn't mean both parties can't voluntarily agree to it. It is not a matter of "rule breaking".

REQUIREMENT

Legislation tells the parties what they HAVE to do. The PSA does not say the parties CAN'T. In fact, the PSA, under the definition of "collective agreement", arbitration is contemplated:

*"collective agreement" means an agreement in writing entered into under this section between the Minister and an employees' association respecting terms and conditions of employment and related matters and **shall be deemed to include any award made by an arbitrator;***

Given that arbitration was purposefully removed in the 90s in other areas, the fact that it is still defined in relation to collective agreements, means that it is still an option, just not a requirement.

VOLUNTARILY

Both parties could choose to enter into a legal contract, agreeing to bring in a third, unbiased party to review and discuss all outstanding issues, and make specific recommendations that the employer and union agreed in advance to accept and abide by. The contract could include, for the protection of both, a clause that says they agree that this contract does not form precedent for any future negotiations.

To address the second risk – the Union is confident that an arbitrator would award the Union with, at a minimum, something better than what the employer in both bargaining units is offering. And that is probably why the employer is unwilling to even consider the offer. But again, we would accept the risk together.

The UNW bargaining teams made the offer with eyes wide open. Offering to give up our right to strike (and likely won't ever again) is momentous and nearly unheard of in labour. It is a weird turn of events that the Union would make this offer and the Employer would refuse.

The Union has also made a second alternative available, which could be more palatable to the Government: The parties could agree, in advance, to proceed with mediation and accept the mediator's recommendations on all outstanding issues as final and binding.

This would get us all to the same place as the first option, but quickly, and addressing the Government's concern about process.

A strike of this magnitude is unprecedented and would negatively impact every single person in the NWT, and beyond: We know that. Everyone feels that very personally. We needed to show members and the public how far the Union will go to avoid a strike. We still need to protect our fellow members and get a fair deal. This is a fair compromise, in this situation, at this time.

But if the government still wants to say no (which is pretty much consistent with the tone and attitude towards bargaining throughout), that is their right.

I apologize that I can't speak to you at this time, however I am sure you understand that I am tied up for the next few days with very important matters that must take my full focus.

Sincerely
Todd

Todd Parsons
President
Union of Northern Workers
NEW ADDRESS!
4910 – 53 Street, Suite 400
Yellowknife, NT X1A 1V2
(867) 873-5668 Ext. 229
parsonst@unw.ca

The Union of Northern Workers' mission is to inspire, engage and empower workers and community through quality education, effective representation, model public service, and political action.

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