

YORK UNIVERSITY LABOUR DISPUTES RESOLUTION ACT, 2009

January 25, 2009

The York University Labour Disputes Resolution Act, 2009 would require an end to the deadlocked labour disruption involving York University and three bargaining units from the Canadian Union of Public Employees Local 3903 (CUPE 3903).

Termination of Strikes and Lock-outs

The act would require York University to terminate any ongoing lock-out and CUPE 3903 would be required to terminate any ongoing strike. York University would also be required to resume or continue its normal operations.

There would also be a prohibition on any further strike or lock-out with respect to this round of collective bargaining. Any action to call, authorize, threaten, counsel, procure, support or encourage a strike or lock-out would also be prohibited.

Appointment of Arbitrator

All outstanding issues in dispute between York University and CUPE 3903 would be referred to binding arbitration.

York University and CUPE 3903 would have five days to agree on the appointment of an arbitrator and to notify the Minister of Labour. If they are unable to agree, the Minister would appoint an arbitrator.

Arbitration

The arbitrator would have the exclusive power to determine all matters necessary to conclude a new collective agreement, and also would have the ability to assist the parties in settling any related matter.

The arbitrator would be required to begin the proceedings within 30 days of being appointed. The Act would also require the arbitrator to make an award within 90 days of his or her appointment. The parties and the arbitrator would have the power to extend these time limits, on agreement, before or after they expire.

In making the award, the arbitrator would be required to take into consideration a number of criteria, including the employer's ability to pay and the economic situation in Ontario.

The award would be final and binding on York University, CUPE 3903, and all employees who are in the affected bargaining units.

Nothing in the Act prohibits the parties from continuing to negotiate, and they are encouraged to do so. If the parties execute a new collective agreement, they would be required to inform the arbitrator, and the arbitration process would terminate.

Until a new collective agreement is in place, the terms and conditions of employment that applied the day before a strike became lawful would continue to apply with respect to the employees represented by CUPE 3903, unless York University and CUPE 3903 agree otherwise.

Enforcement

A failure to comply with the provisions of the proposed act that require the termination of lock-outs and strikes and prohibit them from occurring would constitute an offence punishable upon conviction by a fine of up to \$2,000 for an individual and up to \$25,000 in the case of an employer or trade union. Each day of non-compliance would constitute a separate offence.

A strike or lock-out in contravention of the act would also be deemed an unlawful strike for the purposes of the Labour Relations Act, 1995, and the aggrieved party could apply to the Ontario Labour Relations Board for a remedy such as monetary damages.

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