



UNW - Mediation and Potential Job Action

This document is meant to provide general information to GNWT employees regarding mediation and possible job action by the Union of Northern Workers (UNW), and an update regarding non-unionized employee terms and conditions of employment.

Although the UNW has not served the GNWT with notice of mediation under the Public Service Act for the outstanding issues, the parties agreed to proceed with identifying a mediator and determining dates. Mr. Vince Ready, a highly-regarded mediator with more than 30 years of experience, has been chosen by the parties to assist in concluding a new collective agreement. Mediation dates have been scheduled with Mr. Ready for October 25-27, 2018 in Yellowknife.

The Government of the Northwest Territories (GNWT) is committed to reaching a collective agreement that meets the common objectives of recognizing our valued public servants and the fiscal sustainability of the Northwest Territories. The GNWT has been successful in achieving this goal by reaching agreements with both our teachers (ratified September 2016) and physicians (ratified June, 2018) over the same fiscal period.

Year	NWT Teachers' Association	NWT Medical Association	Non-Unionized GNWT Employees	GNWT-UNW Negotiation	
				GNWT Proposal	UNW Proposal
2016-17	0%	0%	0%	0%	3.0%
2017-18	0%	0%	0%	0%	3.0%
2018-19	1.0%	1.0%	1.0%	1.0%	3.0%
2019-20	1.0%	1.0%		1.1%	
2020-21		1.5%			

The GNWT has received inquiries regarding wage increases for non-unionized employees. The GNWT has ended the two-year wage freeze and we are returning to our traditional compensation model. The GNWT applied a 1.0% wage increase effective April 1, 2018 to all non-unionized employees, which is consistent with the offer made to the UNW. The 1.0% wage increase was applied to the June 29, 2018 paycheques and retro payments to April 1, 2018 will be processed.

It is noteworthy that according to data available through Employment and Social Development Canada, that in 2018 there have been 30 major public sector collective agreements negotiated across the country. The average length of duration has been 40.9 months and the average wage increases has been 0.5% annually. Major collective agreements are those involving more than 500 employees.

Questions and Answers

- 1. On March 1, 2018 the media reported the UNW President as stating that for job action to be successful the Union would want more than 70% of workers to be in favour of a strike. Following the strike vote the Union publically stated it had “almost” 70% of voting members voting in support of job action. Will the GNWT obtain a more precise or detailed breakdown of the strike vote results?**

There is no legal obligation for the Union to provide the GNWT with specific voting result numbers, confirmation of how many employees voted, or the geographic breakdown of results. The Union has the right to determine how strike votes will be conducted, including the release of vote results details as they determine appropriate.

- 2. What is mediation?**

Mediation involves a neutral third party assisting the parties in reaching an agreement. Unlike a judge or arbitrator, a mediator cannot impose a solution on the parties. Mediators open up the lines of communication, identify the issues and explore settlement options for the parties involved.

- 3. How does the mediation process begin?**

Under the *Public Service Act*, either party can provide formal notification stating that they wish to go to mediation, the outstanding issues that need to be addressed through mediation, and a list of mediators that are acceptable to that party.

- 4. When will mediation begin?**

At this point, formal notice to move to mediation has not been received from the UNW, therefore, no mediator has been appointed under the *Public Service Act*. However, the parties have agreed upon a mediator, Mr. Vince Ready, and have agreed to upon mediation dates of October 25-27, 2018.

- 5. How is a mediator selected?**

The parties can either agree to appoint a mutually agreed upon mediator or if they cannot agree, either party can apply to the Supreme Court to appoint a mediator. In this case, the parties jointly agreed upon Mr. Ready to act as mediator.

- 6. Can the UNW strike before mediation?**

If all other conditions for legal strike action are met under the *Public Service Act*, including providing formal notice of mediation, the UNW can strike before mediation.

7. What are the benefits of using mediation?

Mediation is a voluntary, non-binding process using a neutral third party to guide the parties toward a mutually beneficial resolution. The mediator attempts to help the parties reach agreement by identifying issues, exploring possible areas for agreement and identifies the consequences of not settling the dispute. The mediator helps the parties to decide for themselves whether to settle, and on what terms. It is a cooperative approach to conflict resolution.

Mediation has several advantages:

- Mediation is voluntary and nothing happens without the parties' consent. Both parties retain a high degree of control and each party has the right to withdraw at any time.
- Mediation does not involve a decision imposed by a judge or an arbitrator. Rather, the parties craft their own solutions by working together to solve the problem.

8. What happens at mediation?

Once a mediator is appointed, the parties meet at an agreed-upon location. In most cases, the Union and the Employer are in separate rooms and the mediator shuttles back and forth between the two locations.

Both the Union and Employer present their sides of the issue privately to the mediator. The mediator then examines the interests of both parties in a non-adversarial manner. Possible settlement options are canvassed in the hope that an agreement can be reached.

9. What are the possible outcomes of mediation?

Normally, there are three possible outcomes of mediation. These include:

- The mediator helps the parties resolve their disputes and a collective agreement is ratified.
- The mediator issues a recommendation for settlement which is accepted by the Union and the Employer.
- Both parties reject the mediator's recommendations.

10. How much time does mediation take?

Mediation may require several sessions before the parties reach an agreement. Typically, mediations occur over a one- or two-week period. There may be several weeks between mediation sessions, depending on the availability of the mediator and the other parties.

11. Will mediation result in the parties reaching a new collective agreement?

The GNWT will be entering mediation with the goal of concluding a new collective agreement that meets the common objectives of recognizing our valued public servants and the fiscal sustainability of the Northwest Territories. However, we cannot predict the outcome of mediation.

The GNWT is also continuing to prepare for possible job action to minimize negative impact upon programs and services accessed by the citizens of the NWT.

12. Now that a mediator has been identified, do the GNWT and UNW have to wait until late October when mediation is scheduled to return to bargaining?

The GNWT has consistently said it would be happy to return to the bargaining table at any point. The GNWT believes most residents, including GNWT employees, want the government to balance investments in programs and services, in infrastructure, and in the public service and do this in a manner that doesn't result in fiscal uncertainty and burdening future generations with unsustainable debt.

13. I did not participate in the Union strike vote. Is it too late to cast a vote?

Union members should direct this question to their Union representative.

14. If job action occurs, how quickly will I receive my Strike Pay and will it be directly deposited?

The GNWT does not administer or participate in issuing strike pay to unionized employees. Members should direct this question to their Union representative.

15. What if I do not want to participate in any strike action. Will I be allowed to work?

You are encouraged to speak with your Union on the implications of crossing picket lines. Part of the GNWT's response to job action would include the reduction or closure of services and operations. As such your job function may not be operational or required during job action. You would not be able to return during a strike to perform other unionized work. Determining whether an employee can work during job action would be made on a case-by-case basis.

16. I'm contributing towards Deferred Leave. How would job action affect my plans?

During job action, if you are not in receipt of salary the Employer would not be deducting contributions toward your Deferred Leave. Your total contributions towards your Deferred Leave could be less than estimated so you would be encouraged to speak with a Benefits Officer with Financial and Employee Share Services (FESS) upon return to work following job action.

As negotiations and planning for possible job action continues, the GNWT will provide updates and additional information.