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CARE**
CUPE5439

BARGAINING UPDATE – LOCAL 5439

NOVEMBER 2020

Bargaining a first contract is often a slow, challenging process

CUPE 5439 negotiations began in fall 2019 and continued throughout 2020. Due to a bargaining impasse, we are now heading into arbitration, starting with the first hearing on March 5, 2021.

Bargaining a first contract is challenging. Things often move slowly. But it's worth the time to negotiate a strong first agreement that solidifies the rights of workers, through fair compensation and decent working conditions.

As the largest health care union in Ontario, CUPE has a wealth of experience in negotiating strong contracts that raise standards for workers. We represent more than 45,000 members in the hospital sector alone. These CUPE members include you, the 120 members of CUPE 5439 at the University Health Network (UHN)'s Hillcrest Activation Centre, and nearly 4,000 staff at other UHN hospital sites.

How does contract bargaining work in CUPE?

CUPE in Ontario bargains a central provincial contract (through our hospital division – the Ontario Council of Hospital Unions – OCHU/

CUPE) that also covers your colleagues at other UHN hospital sites. This central agreement outlines key provisions like wage rates, job security and grievance language. Local agreements are also negotiated with the hospitals. CUPE has extensive experience negotiating first contracts in the hospital sector.

CUPE 5439 at the Hillcrest Reactivation Centre are hospital staff, no different than thousands of hospital workers at multiple UHN sites throughout Toronto. This is why your CUPE 5439 bargaining team has tabled the CUPE central hospital contract that covers more than 45,000 CUPE hospital sector workers.

This is a major sticking point in the negotiations but one we have a principled stance on.

A hospital bed is a hospital bed regardless of where UHN opts to staff it

UHN has a partnership with Saint Elizabeth Health Care to provide hospital patients with continuing aspects of alternative level of care (ALC) medical supports at the Hillcrest Activation Centre. This is the very same care that patients would be getting in ALC beds throughout UHN's various hospital sites where those hospital workers are covered by the central CUPE/OCHU hospital agreement.

We think this is a fair way to look at the patient care that you and CUPE 5439 co-workers provide at Hillcrest. Your current wages are *below the normative rates for CUPE members in the health sector, not just in the hospital sector*. This is unacceptable. We believe that workers doing the same job should be treated the same way.

However, the employer bargaining team has not been willing to concede that point. They are creating friction and stalling negotiations. But we are optimistic that by staying resolute, united and principled, we will get a fair deal whereby the employer recognizes your value.

The arbitration process

Like all hospitals in Ontario, bargaining for your first collective agreement takes place under both the *Ontario Labour Relations Act* and the *Hospital Labour Disputes Arbitration Act (HLDA)*.

Unionized employees at workplaces that bargain under HLDA do not have the right to strike, and the employer does not have the right to lock out the employees. If, through the normal process of collective bargaining, the union and the employer are not able to come to an agreement, their disputes are resolved by an independent Board of Arbitration.

An arbitration date is set, usually six to nine months after the arbitrator is agreed upon (it takes this long because all the parties have to be available, and good arbitrators are usually booked well in advance).

At the hearing, both sides make presentations to the Board on their proposals (CUPE Local 5439 will be represented by Jonah Gindin), and argue why their proposals should be awarded, and the other sides' should be rejected. The parties also rely on written evidence presented to the Board (bargaining committee members would be responsible for assisting with the gathering of that evidence).

Once their decision is reached, the arbitrator puts out a written decision, which forms a part of your collective agreement.

Some positive bargaining progress to highlight

Items we have tentatively agreed to so far include: what are management rights, union security and dues, health and safety, grievance and arbitration processes, no strikes/lockouts, and no discrimination.

Remember, you are the union

Working conditions like other hospital workers, are worth fighting for. Over the next while you will be asked to take part in a few workplace solidarity actions to let your employer know that you support your CUPE 5439 bargaining team. Stay tuned for more updates.