

What is the PSLRTA and what does it mean to me?



What is PSLRTA?

“PSLRTA” is an acronym for the **Public Sector Labour Relations Transition Act**. It is a piece of legislation that was passed in 1997 when the Ontario government began to downsize public services through mergers, amalgamations and restructurings in the municipal, school board and hospital sectors.

Those of you who have long service at the hospital will remember what happened when St. Michael’s merged with Wellesley Hospital. As a result of that merger, there was a vote that allowed you to choose between OPSEU and remaining non-union. At that time, Allied Health professionals at St. Michael’s opted to remain non-union.

The PSLRTA establishes certain rights for workers after a merger or amalgamation occurs. It sets a framework to determine the appropriate bargaining units in an amalgamated workplace and how workers will be represented in their labour relations with their employer.

In 2005 PSLRTA was expanded to apply to provincial government/LHIN-initiated health services integration and restructuring.

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How does the PSLRTA work?

When a merger or amalgamation results in members of different unions or union and non-union employees being combined into a single bargaining unit, the PSLRTA determines the process for deciding what union represents the new bargaining unit.

What's the process?

One of the parties involved in the process files an application to the Ontario Labour Relations Board. The application can be made by the employer or any union representing any of the employees in the workplace. Once the application has been filed, the collective agreements for all unionized workers and the contracts of employment for all non-union workers are frozen. So, LIUNA Local 3000 members continue to work under our contract. Employees at St. Joseph's who do not have a contract continue to work under the hospital's rules from prior to unionization. Members of other unions continue to work under the terms of their contracts.

"We believe the rights of our members at St. Michael's and employees in the Labs at St. Joseph's were at risk, so we filed the PSLRTA application to protect their rights."

After the application is filed, all of the unions representing employees at the amalgamated hospital and the employer have a chance to respond to the application and to make submissions to the Labour Board. The Labour Board often holds hearings, consultation meetings and mediations to resolve issues and disputes. These issues include:

- Whether or not the PSLRTA should apply
- How many bargaining units there should be
- How bargaining units should be structured and who should belong to which bargaining unit
- Whether or not votes are required to determine the bargaining agents
- Which options should be on the ballot
- When and where votes will take place, if necessary
- What the rules for campaigning and balloting will be
- Who is eligible to vote
- Whether there will be a ballot option for "no union"

Throughout the PSLRTA process, the OLRB will send the employer notices that must be posted in the workplace so that affected workers know what is happening.

Should one union represent 80 percent or more of workers in the post-merger bargaining unit, the OLRB will simply declare that union to be the bargaining agent without a vote. Otherwise, all workers who would become members of the new bargaining unit are eligible to vote on which union they want to represent them at the new, merged workplace.

For example, if the newly merged bargaining unit includes employees from two separate unions and employees who were not represented by a union prior to the merger, all employees in the new bargaining unit would be entitled to vote. However, there will only be a "no union" option on the ballot if 40 percent or more of the new bargaining unit were non-union prior to the merger.

Why did LIUNA Local 3000 make a PSLRTA application?

The union was informed at the same time as employees about the hospitals' intention to amalgamate. As the amalgamation date arrived, there were still many unknowns and outstanding questions. The hospital provided very little information.

However, what quickly became clear is that the employer was beginning to make decisions that would have negative impacts on our members. For example, the employer attempted to force employees who had jobs at more than one of the hospital site to resign from one position. They eliminated the Immunology Bench in the Haematology Department at St. Michael's and moved the work to St. Joseph's, resulting in a reduction of three Lab Technologists. They also started sending Pathology work from St. Michael's to St. Joseph's and transferring Microbiology work from St. Joseph's to St. Michael's.

Because the Labs at St. Joseph's were not unionized, the employer was free to impose any working conditions there. We believe the rights of our members and employees at St. Joseph's were at risk, so we filed a PSLRTA application to protect them.

The PSLRTA campaign

The Labour Board has determined what the bargaining unit configuration will be in the upcoming vote. There will be one bargaining unit for Registered Nurses, one for Service employees, one for Clerical employees, and one for employees in the Diagnostic, Heart & Vascular and Sleep Labs. All other employees will remain non-union.

There is a consultation hearing scheduled at the Labour Board on September 17th at which further decisions will be determined. The OLRB, in consultation with the employer and affected unions, will decide what votes will take place, who will be on the ballots, the length of time for the representation campaign and how the unions may access employees, including through home addresses, email lists, meetings in the workplace or space on bulletin boards.

What is the voting process?

The Ontario Labour Relations Board administers the entire process. The process is very similar to that used in other certification or representation votes:

- The vote is conducted by secret ballot. Neither your employer nor any union will ever know how you voted
- The vote typically takes place at the workplace during business hours and at different times to allow as many as possible to have access to the polls
- The winning union must receive a majority of the votes
- If no ballot option receives more than 50 percent of the votes, there will be a run-off vote with the option that came in last being dropped from the ballot
- There are no advance polls
- There are no proxy votes
- While your employer and the affected unions may have a scrutineer present during the vote and the count, they may not interfere in the process or attempt to threaten or intimidate voters in any way
- If your eligibility to vote is challenged, your vote will be segregated. It will be sealed in a blank envelope within another envelope identifying it as yours. If the OLRB finds that you are entitled to vote, the blank envelope will be taken out and added to the ballots. Nobody will ever know how you voted
- If a large proportion of the ballots are challenged, the OLRB could decide not to count ballots until they can resolve the eligibility issues

Life After the vote

What happens to our Collective Agreement?

Once the Labour Board determines which option on the ballot has garnered more than 50% of the votes cast, an outcome will be declared. If the winning option is “no union,” all collective agreements will cease operation immediately and no employees will be represented by a union.

If one of the unions on the ballot receives the majority of the votes, they will be certified as the bargaining agent of the new bargaining unit.

At that point, if there was more than one collective agreement in place, those agreements would be combined into a “composite” agreement. In essence, employees would continue to be covered by exactly the same contract provisions as they were before the vote with one key difference. Certain important provisions are deemed to be “common provisions” and will apply to everyone in the new bargaining unit.

These common provisions are:

- **Seniority:** Usually, the seniority language of the winning union’s contract is adopted and the seniority list for all employees is “dovetailed,” so that employees with the same amount of service and similar work histories in the pre-merger hospitals would have the same seniority. The seniority provision can be modified as long as the same provisions apply to everyone in the new bargaining unit.
- **Seniority-Related Provisions:** Collective agreement provisions dealing with job postings, layoff and recall are based on seniority and must also be common provisions. Again, the language belonging to the winning union’s agreement is often adopted. But these provisions can also be modified through negotiations with the employer.
- **Grievances and Arbitration:** A common grievance and arbitration procedure takes effect for everyone in the bargaining unit. Generally, it mirrors the winning union’s language.

If the Employer and winning union aren’t able to agree on these common provisions, the Labour Board can be asked to make the final decision.

But St. Joseph’s employees don’t have a collective agreement; what happens in that case?

Because the union for employees in the labs at St. Joseph’s has not negotiated a collective agreement, the working conditions that will be frozen are those that were in place prior to unionization. So, employees’ individual employment contracts and the wages, benefits, and working conditions determined by their employer would continue to apply to them. The exception would be the common provisions outlined above.

Forging ahead with LIUNA Local 3000

LIUNA Local 3000 is a strong union with a great track record at St. Michael's Hospital and in its other bargaining units. Our strength is our active, engaged, responsive approach. As soon as we are declared victorious in the PSLTA vote, we will serve the employer with Notice to Bargain.

We will canvass our membership to determine which issues are most important to them and will set up meetings and opportunities to elect bargaining representatives and discuss contract proposals. We will provide training and mentoring for the bargaining committee members that represent you and we will draft bargaining proposals.

The new bargaining unit will have professional head office support from Day One. Your Union Business Representative will assist in bargaining and be in the workplace on a weekly basis. We will do whatever is necessary to ensure that the hospital begins bargaining promptly and that a strong new collective agreement that contains the best wage, benefit and working condition provisions possible is implemented as quickly as possible.

To do that, we need every member in your workplace to get involved and talking about what makes LIUNA Local 3000 the best choice to represent you. With our strong, committed membership, coupled with our great team of staff representatives, legal experts, research and communications specialists, we can work together to ensure you will continue to receive the excellent representation that you deserve.