

This Fact Sheet was prepared by members of Sheet Metal Workers' International Association in Ontario to assist in the collective bargaining process in Sheet Metal in the ICI sector

It is distributed by the Ontario Sheet Metal Workers' and Roofers' Conference for the assistance of all members in Ontario.

Dated May 12, 2022

ICI BARGAINING – THE RATIFICATION PROCESS

In Ontario, all Collective Agreements in the Industrial Commercial Institutional (ICI) sector expire on April 30th every three years.

Despite Collective Agreements in the ICI sector expiring on April 30, 2022 many Unions and Employers bargain into May and sometimes longer in order to reach a settlement on renewing the Collective Agreement.

Over the past several months your Sheet Metal Negotiating Committee has met with the Ontario Sheet Metal Contractors' Association (OSMCA) to negotiate revised terms for the Sheet Metal ICI Collective Agreement.

A TENTATIVE AGREEMENT FOR SHEET METAL HAS BEEN REACHED:

On Thursday May 5, 2022, your Negotiating Committee reached a tentative agreement with OSMCA. SMWIA Local Unions **47, 235, 269, 397, 473, 504, 537 and 562** are strongly encouraging their members to ratify this Tentative Agreement. Only SMWIA Local 30 did not sign the Memorandum of Settlement in support of the Tentative Agreement. As an overwhelming majority of Local Unions voted to support the Tentative Agreement we now require a ratification vote by our members.

Purpose of a Ratification vote?

Ratification is the process by which the Union members vote on the Tentative Agreement negotiated and agreed to with Employer Representatives.

The vote occurs by secret ballot. It is conducted by the Local Unions. Following the vote, the Negotiating Committee will meet in person to count the votes. In order for the Tentative Agreement to be ratified the majority (50% plus 1 person) of members **who voted in the ratification vote** must be in favour of the agreement.

This process is governed and dictated by the Labour Relations Act, 1995, the SMART Constitution and Ritual and the Ontario Sheet Metal Workers' and Roofers' Conference By-Laws

Who gets to vote?

Only members of each Local Union who are currently employed in the Sheet Metal ICI sector or on the hiring hall lists are eligible to cast a ballot in the ratification vote. Members working in EPSCA are not eligible to vote. The rules for ratification votes are set out in the Labour Relations Act, 1995.

What members are voting on?

In the ratification voting process, members are provided with 2 options. Members can choose to:

(1) Accept the tentative agreement; or

(2) Reject the tentative agreement.

We are not voting on a strike. To be clear even if members vote to reject the Tentative Agreement they are not voting to go on strike. That requires a different voting process.

What are the details of the tentative agreement?

The details of the Tentative Agreement will be presented by each Local Union **only to members who attend the ratification vote.**

Why aren't the details being released right now?

It is expected that all members will attend the ratification meeting in order to vote on the Tentative Agreement. Only those members attending in person can participate in the ratification vote.

The tentative agreement is a large document that contains a number of changes from the previous agreement. In addition, each Local Union has their own Appendix which is different from every other Local Union. As a result, it was determined that the terms and conditions of the Tentative Agreement would only be released to members who are willing to participate in the ratification vote.

When and where is my Local's ratification vote being held?

Your Local Union will advise its members of the date, time, and location of the ratification vote. These votes will take place between May 10th – May 14th, 2022.

THE OUTCOME OF THE VOTE:

What happens if the Tentative Agreement is ratified?

On Tuesday afternoon May 17, 2022, the Local Unions will meet together in person in Toronto to tally the results of the ratification vote. Under the **Ontario Sheet Metal Workers' and Roofers' Conference By-laws** all of the ratification votes are combined prior to being counted. This means there is no way to know how members of each Local Unions voted. It is a one member one vote process to ensure that every vote is treated the same regardless of Local Union membership.

If the majority of members across the province vote in favour of accepting the Tentative Agreement it will immediately become effective retroactively as of May 1, 2022.

To be clear if the Tentative Agreement is ratified by the membership by May 20th, 2022 – the monetary gains negotiated by your negotiating committee and contained in the tentative agreement will be applied retroactive to May 1, 2022.

What if the Tentative Agreement is rejected?

If at least 50 % plus 1 of members vote against the Tentative Agreement then it would be rejected.

It also means that the agreement for monetary gains to be applied retroactively to May 1, 2022, will be lost. It is a requirement of the Tentative Agreement that ratification must be completed by May 20, 2022. If the members reject this there is no guarantee that we will get the agreement back.

In the event the Tentative Agreement is rejected the Negotiating Committee will notify OSMCA right away. At this time the Negotiating Committee would request that OSMCA return to the bargaining table. Hopefully OSMCA could be persuaded to return to negotiations. However, there is no requirement that OSMCA return to negotiations after a Tentative Agreement is rejected.

What if the Employer doesn't come back to the table?

If OSMCA does not return to negotiations or these negotiations do not result in a new Tentative Agreement then the Union would be required to seek a strike vote. If the Employer doesn't come back to the table, the Union may seek a strike mandate. In order to commence a strike, there are a number of things that need to happen. These include the following:

- 1) To proceed with a strike our Union requires at least 66% of members voting in a strike vote to support a strike action. This threshold must be reached in order for our members to be eligible for strike pay under the SMART Constitution and Ritual;
- 2) Once the Union voted for a strike with at least 66% support we would trigger the requirements of the *Labour Relations Act*;
- 3) A conciliation officer would meet with the Union Negotiating Committee and OSMCA to determine if a new Tentative Agreement could be reached;
- 4) If a new Tentative Agreement is not reached the Union would request that the Conciliation Officer notify the Minister of Labour that the parties have reached a breakdown, or impasse, in negotiations;
- 5) If the Minister of Labour agrees that an impasse has been reached and mediation would not be of further assistance to the Union and OSMCA then the Minister will issue a report called a “No Board Report”;
- 6) Once the Minister of Labour issues a “No Board Report” a strike or lockout can commence only after 16 days occurred. This 16-day period is a “cooling off” period that allows the parties more time to bargain a Tentative Agreement before a strike or lockout can occur;
- 7) Upon the expiry of the 16-day cooling off period members employed in Sheet Metal ICI could then go on strike.

Why didn't we already have a strike vote?

Strike Votes are always important and must be used effectively to give the Negotiating Committee the most leverage possible in negotiations. A wasted strike vote is a wasted opportunity for the Union to assert its members' strength and resolve.

The Negotiating Committee voted to hold a strike vote in Sheet Metal **if there was a breakdown in negotiations** with OSMCA and we were unable to reach a Tentative Agreement. To be clear it was agreed and voted on by the Negotiating Committee to ask for a strike vote when it was needed. Because we successfully reached a Tentative Agreement there was no reason to hold a strike vote. This is different than in 2019 when the Negotiating Committee recommend a strike vote to challenge the concessions demanded by OSMCA.

Even if the Union had held a strike vote prior to reaching a Tentative Agreement, once a Tentative Agreement was reached and was recommended by the Negotiating Committee for ratification it could be necessary to hold a 2nd strike vote in some circumstances. For example if the Tentative Agreement is rejected by a very slim margin of **53% against ratification** and **47% for ratification** then the Negotiating Committee may be required to hold a strike vote, (or another strike vote) to reach the 66% mandatory threshold required under the Smart Constitution and Ontario Conference By-Laws.

This is why we have not held a strike vote yet. But if the Tentative Agreement is rejected it may be necessary to schedule a strike vote right away.

Takeaways:

- i. The tentative agreement reached by your Negotiating Committee and OSMCA (Employers) on May 5th, 2022, is now being put to the members for a ratification vote.**
- ii. The Tentative Agreement requires that it be ratified by May 20, 2022 in order to apply the monetary gains retroactively to May 1, 2022.**
- iii. The vote will be held by each individual Local between May 10, 2022 – May 14th, 2022.**
- iv. All Locals except for Local 30, are strongly encouraging their members to accept the agreement.**
- v. The votes from all Locals will then be combined and tallied at a meeting in Toronto on May 17th, 2022.**
- vi. If a majority of the votes cast want to accept the agreement, the agreement will immediately come into effect as of May 1, 2022 – and the monetary gains included in the agreement will be retroactively applied to May 1, 2022.**
- vii. If a majority of the votes cast want to reject the offer, then the offer from the OSMCA to apply the monetary gains retroactively will be lost.**
- viii. A rejection does not automatically trigger a strike. But a strike could result from rejecting the Tentative Agreement.**