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CAS Negotiations, 2010-11: Newsletter

WLUFA
Wilfrid Laurier University
Faculty Association



What is Mediation/Arbitration?

WLUFA published a newsletter this week in which we indicated we had proposed mediation/arbitration to settle the outstanding issues in our current negotiations for a new collective agreement for CAS members.

In response to requests from our members we are providing the following explanation of mediation/arbitration:

MEDIATION/ARBITRATION.

When the parties (the employer and the union) cannot reach an agreement in the normal course of collective bargaining, the parties can make use of a third party to arrive at a settlement.

Either party may propose mediation/arbitration by a third party, but the other party must agree to submit outstanding issues to the process.

From a list of mediators/arbitrators prepared by each of the parties, the employer and the union

agree on the selection of the person to serve in this role.

By this time in negotiations, the outstanding issues should be limited in number and clearly defined.

The individual selected will first attempt to mediate between the par-

ties (in other words, propose terms and attempt to bring the parties to agreement).

If some, but not all, issues are resolved, the mediation process will conclude, and outstanding issues will be subject to arbitration.

The mediator will now act as an arbitrator, and will receive written briefs from each of the parties, setting out their position on outstanding issues along with supportive documentation.

The arbitrator will issue a report setting the terms of settlement of the issues, and this settlement is binding upon the parties.

The mediation/arbitration process enables the mediator/arbitrator to intervene in a more assertive and effective way than conciliation.

The mediator has greater leverage to push the parties to a settlement, for they are likely to prefer an agreement they have agreed to than have the binding terms imposed by

arbitration.

It is important to realize, though, that mediation/arbitration is not an entitlement under the Labour Relations Act, but a process requiring the agreement of the parties.

