

A CUPE mini dictionary of UNION language

Aboriginal

Aboriginal peoples include First Nations, Métis and Inuit.

Affiliation

When a union joins another group. For example, a union local can be “affiliated” with or belong to:

- a provincial division;
- a district labour council;
- a provincial federation of labour; or
- the [Canadian Labour Congress](#).

These groups usually charge an affiliation fee.

Agency shop

All workers in a bargaining unit must pay union dues, whether or not they are members of the union. See Rand Formula.

Amalgamation

When two or more organizations, such as municipalities, combine. See Merger.

Arbitrary

Random, unreasonable.

Arbitration

A way of settling a disagreement using an arbitrator. An arbitrator is a third party or independent person, usually chosen by the both the employer and union. Sometimes the arbitrator is a board, which includes one representative chosen by the employer, one representative chosen by the union, and a Chairperson. The arbitrator’s decision is final and binding on the employer, the union and any employees who are affected.

Two main forms of arbitration are:

- A “grievance” or “rights” arbitration decides whether a collective agreement has been broken.
- An “interest” arbitration decides what should be in a **collective agreement** (usually for workers who are prevented by law from striking). See **Final Offer Selection**.

Article

A section of a legal document, such as a **collective agreement** or **bylaw**. It is also called a “provision”, “clause”, or “language”.

Bad faith

Describes an act that is dishonest or done for an improper reason. Examples of bad faith are:

- An employer lies during bargaining or withholds important information on purpose.
- A union officer refuses to carry out a grievance because the grievor is unpopular.

Bargaining agent

- A union which has been chosen by workers and recognized by the employer or certified by the labour board. This union represents all workers in the bargaining unit and negotiates a collective agreement with the employer. See **Certification**.

Bargaining unit

A group of workers who:

are part of the union,

- are considered by the labour board as an appropriate group to bargain together, and;
- are covered by the same **collective agreement**.

The workers can be employees of a department, agency, plant, industry, sector, or other grouping.

Basic rate

Regular wages, not including overtime, bonuses, or premiums. Do not confuse this with “base rate”, which is the lowest rate of pay for a particular job, or the lowest rate for any job in the bargaining unit.

Benefits

Negotiated entitlements on top of wages. Benefits can be:

- pensions
- vacation
- drug and medical plans
- long term disability
- life insurance
- other

The employer pays for all or part of these benefits, depending on the collective agreement.

Binding

Decisions or agreements can be binding. This means you must follow them. For example, the articles of a collective agreement are binding on the employer and the union. Both have to follow the instructions about wages, grievances, seniority and other rules in the agreement. An arbitration award is binding. This means that the employer, union and any affected employees have to carry out the arbitrator’s decision.

Book-off

The union arranges for a member to be away from work on union activity, either with pay (from the employer or the union) or without pay. The employer must allow book-offs as required by the collective agreement.

Boycott

Refuse to buy or use products/services of an employer. Boycotts are used to settle disagreements or to protest an employer’s actions.

Bumping

In a layoff, a worker takes over the job of a worker with less seniority. See Layoff.

Bylaws

A local union’s bylaws state how the local is organized and what rules it must follow. Each local develops its own bylaws, following the parent union’s constitution. CUPE National provides an

example in the *Model Bylaws*. Bylaws usually describe important aspects of a local union such as the role of officers, how officers are chosen, and procedures for meetings.

Caucus

An informal grouping of people who meet to discuss their common interests.

1. Groups of members with common interests might hold a caucus at a union conference or convention.
2. During a meeting with the employer, union representatives may withdraw to discuss privately what position the union should take. They decide on a common position before going back to meet with the employer.

Certification

The legal process of a labour board deciding that a union can be the bargaining agent for employees in dealing with their employer. Once certified, the union has a legal right and obligation to represent all employees in the **bargaining unit**. To get certification, a union must show that a majority of the workers support it.

Checkoff

A clause in a collective agreement that says the employer must deduct dues from workers' pay and send those dues to the union.

Clause Part of a collective agreement or other document dealing with a particular subject. See **Article**.

Closed shop

The employer can hire only members of the union.

Collective agreement

A written agreement between the union and employer that tells workers and the employer what their rights and responsibilities are. It is also called a "contract". The collective agreement covers such things as:

- wages
- **benefits**
- hours of work
- conditions of work
- seniority
- how to handle disagreements.

Collective bargaining

Negotiations between a union and employer for a collective agreement.

Conciliation

A process for reaching a collective agreement with help from a neutral person appointed by the government. Often, the union and employer must meet with a conciliator before a strike or lockout is legal. A conciliator may make recommendations, but they are not binding.

Consolidation

When two or more bodies, such as bargaining units, combine.

Constitution

A document that sets out the structure of an organization and its basic rules of operation.

Contracting out

When an employer uses another employer to do work of the bargaining unit.

Contract proposals

What the union or employer wants in the collective agreement. The two parties suggest these changes in collective bargaining.

Decertification

The legal process when a labour board decides that a majority of workers no longer want to be represented by their bargaining agent. The union no longer represents the workers, and any collective agreement is ended.

Demotion

A worker is moved to a job with lower pay and/or responsibility.

Discipline

When an employer punishes an employee for misconduct. For example, if you are often late for work without calling, the employer may discipline. Discipline usually includes:

- verbal warning
- written warning
- suspension
- demotion or firing

Discrimination

When a person or group of people is treated differently for an improper reason.

- **Direct Discrimination:** when a person is treated differently based on race, gender, or other characteristic. For example, an employer who refuses to hire any women is discriminating directly.
- **Adverse Impact or Indirect Discrimination:** when a rule or policy applies to everyone, but it ends up negatively affecting a particular group. For example, a height requirement might affect women more than men.
- **Systemic Discrimination:** when different treatment based on stereotypes or prejudice is deeply rooted in an organization.

See **Duty to accommodate**.

Dispute

A conflict or disagreement. In a labour dispute, the union and management can't agree on something.

Dues

Money paid by workers to the union which represents them. See **Checkoff**.

Duty to accommodate

Steps that the employer and union must take to avoid discrimination. The employer and the union must look for standards, requirements, practices, or rules that discriminate against workers, and then eliminate those barriers. For example, maybe the employer changes the schedule so that workers can follow their religious beliefs, or the employer renovates a building so that workers

with disabilities can use it. Workers needing accommodation must cooperate and accept reasonable offers of accommodation.

Duty of fair representation

A union must represent all employees in a bargaining unit fairly. The representation cannot be arbitrary, discriminatory or in bad faith.

Employment equity

A plan to bring disadvantaged groups to equality in hiring, promotion, wages, and other aspects of employment. For example, the plan may favour the hiring and promotion of women, aboriginal people, people of colour, and people with disabilities until equality is reached.

Employment standards

The minimum terms of employment for workers required by law. See Labour standards.

Essential services

Work that is considered so important to the health, safety, or security of the public that workers who do it are not allowed to strike. Legislation may say that certain services are essential, or labour boards may decide it. Sometimes all workers in a sector, such as health care, are labelled “essential” and lose their right to strike. An interest arbitrator decides their collective agreement.

Ethnic group

A group of people with the same language, culture, religion, nationality, ancestral geographic base or other characteristics that gives them a shared sense of group membership.

Expedited arbitration

A streamlined process to get certain types of grievances heard quickly and cheaply.

Final Offer Selection

A type of interest arbitration where an arbitrator chooses either the union’s last offer or the employer’s last offer. See Arbitration.

Final Offer Vote

A vote by workers in a bargaining unit to accept or reject the employer’s last offer.

Grandparenting

When a new provision or rule does not apply to existing workers. For example, new workers may be required to have a certain level of education, but this requirement does not apply to workers already in the job.

Grievance

A claim that the employer or union has broken the collective agreement.

- **Individual grievance:** A claim by one worker.
- **Group grievance:** A claim by or for more than one worker about an act of the employer.
- **Policy grievance:** A claim by the union about a general question or interpretation of the collective agreement.
- **Union grievance:** A claim by the union.
- **Employer grievance:** A claim by the employer.
- **Grievance Meetings are** “OFF THE RECORD” and a “without prejudice” basis. It cannot be used against them, or the union, or the employer, at arbitration.

Harassment

Behaviour or comments towards another person or group that are abusive, hurtful or unwelcome. Harassment can include name-calling, jokes, graffiti, insults, threats, rude treatment, or written, verbal, or physical abuse. Human rights codes make it illegal to treat a person differently because of their race, ethnicity, sex, age, religion, and a number of other “grounds” of discrimination. Some workplace anti-harassment policies include personal harassment, which covers other forms of behaviour that are hostile or intimidating. See **Human Rights** and **Discrimination**.

Heterosexism

When people think that only a man and a woman can love each other romantically. See **Discrimination** and **Sexual Orientation**.

Homophobia

Hatred, fear, discomfort or violence towards gay, lesbian, bisexual, intersex, transexual or transgender people. See **Heterosexism** and **Discrimination**.

Human rights

Protection against discrimination on certain grounds by law. See **Discrimination**.

Innocent absenteeism

Absence from work due to illness or injury. It happens when:

3. Absences are excessive;
4. Attendance is not expected to improve; and
5. The duty to accommodate does not apply or has been met.

Job classification

A group of jobs paid at the same wage rate.

Job description

A written summary of the duties and qualifications of a job.

Job evaluation

A system to figure out the value of jobs. The most common method gives points for skill, effort, responsibility, working conditions and so on.

Job posting

A notice that a job is open and will be filled. The notice usually contains a job description, short summary of the duties, qualifications and rate of pay.

Job security

Protection of employment, such as a ban or limits on contracting out or layoffs.

Jurisdiction

The limits of authority or control. For example, an arbitrator has the power to decide grievances by considering the collective agreement and any related laws.

Jurisdictional dispute

Two (or more) unions claim that certain work belongs to their members.

Just cause

A good enough or proper reason to discipline or fire a worker.

Labour relations

How unions and employers deal with each other in collective bargaining and handling grievances.

Labour relations board or Labour board

A body created by legislation to interpret and rule on that legislation. For example, a labour board has the power to certify unions as bargaining agents, and decide unfair labour practice complaints.

Labour standards or Employment standards

The minimum employment rights that workers have. These laws usually set minimum wages, maximum hours of work, vacation, holidays and other working conditions. Both unionized and non-unionized employees have a right to these working standards, although collective agreements often contain higher standards. Some non-union workers – usually farmers, babysitters and domestic workers – are not covered by even these minimum rights.

Last-Chance agreement

A written agreement between the union and employer (normally also signed by the worker), usually to resolve a dismissal grievance. It says what steps a worker must take in order to continue employment. Last chance agreements cannot violate human rights laws. See Duty to accommodate and Human rights.

Layoff

The employer reduces the number of workers. A layoff can be for short or long periods of time, or it can be permanent. Sometimes a reduction of hours is a layoff.

Leave of absence

Period of time when an employee is away from work, with their employer's permission. The worker is not usually paid during this time, but is still an employee.

Letter of Understanding (LOU)

An agreement in writing between the union and the employer. An LOU is often part of the collective agreement.

Local executive or Executive Board Members elected as officers of a local union. Offices and duties are set out in the local union's bylaws and constitution. See Officers.

Local union

A union organization formed under the constitution of a national or parent union. A local union can represent workers in one or more bargaining units. Local unions have their own bylaws and elect their own officers.

Lockout

When the employer stops workers from working in order to pressure them to agree to its collective bargaining proposal. In order for a lockout to be legal, the employer must follow certain steps, just as the union must before going on strike. A lockout is legal only after the collective agreement has expired and bargaining has gone through the steps required by law.

Management rights

The employer's right to control and direct the workplace. Management rights are usually set out in one clause of the collective agreement and are limited by other clauses.

Master agreement

A central collective agreement that covers a number of bargaining units. Some bargaining units might negotiate additional local issues with their employer.

Mediation

A process for reaching a collective agreement or resolving a disagreement with help from a neutral person. See Conciliation.

Mediation-Arbitration

A way of resolving a grievance using a neutral person. If the union and employer cannot reach an agreement, the neutral person holds a hearing and makes a decision. It is also called “med-arb”.

Memorandum of Agreement or Memorandum of Settlement

A written, signed agreement that identifies what the union and employer have agreed to in settling a collective agreement or other dispute. The union and/or the employer may have to ratify the agreement before it becomes a collective agreement.

Merger

Two or more organizations, such as unions, combine. In a merger of unions, each union must follow its constitution and bylaws.

National Representative

An employee of the parent or national union who assists local union officers in representing workers. Also called staff representative.

“No Board” Report

A notice that the government will not appoint a conciliation board to settle a collective bargaining dispute. This notice may set the time when a legal strike or lockout can happen.

Officers

Members elected to act on behalf of the union. Examples include the President, Vice-President, Secretary-Treasurer, Recording-Secretary and Trustees. Officers’ duties are set out in the bylaws or constitution.

Open Period

The time when workers can apply for certification or decertification.

Paid Leave

A provision in some collective agreements that allows workers to take a leave on employer-paid time. Paid education leave is one example. This is different than “booking off on union business”, which usually means that the union covers the worker’s wages.

Parties

A person or organization that is directly involved. The parties to a collective agreement are the union and employer. See Third Party.

Past Practice

How a union and employer acted in the past. An arbitrator may consider past practice when deciding how to settle a grievance.

Pay Equity

Equal pay for work of equal value. A process to equalize the pay of women and men for doing work of equal value, even if the work is different. See Job Evaluation.

People of Colour

People whose skin colour is seen as other than “white”. Other terms include “visible minorities”, “racial minorities” and “racialized minorities”.

People with Disabilities

People who are unable to do something that most people can do, because of a physical or mental difference.

Per Capita Tax

Money that a local union pays to belong to another union body. Per capita means “per person”, so the amount of the tax is based on the number of members in a local.

Per Diem

A daily allowance, usually for expenses.

Picketing

Physical presence at the entrance to a workplace. The purpose is to discourage others from entering the property or dealing with the employer. Picketing usually occurs during a strike or lockout. For example:

- **Information picketing:** picketing intended to give information.
- **Mass picketing:** a large number of workers picketing a location.
- **Secondary picketing:** picketing a workplace or location not directly involved in the strike or lockout.

Precedent

A prior decision of an arbitrator, labour board, other tribunal or court. The decision can be used to help decide similar disputes in the future.

Prejudice

6. Forming a negative opinion of a person, group, or issue based on little or no knowledge. Often prejudice is based on stereotypes. See **Discrimination**.
7. Also means the harm caused by a decision, action or failure to act.

Privatization

When work or services are moved from the non-profit sector to the for-profit sector.

Probationary Period

The time during which an employer decides whether a newly hired worker is suitable. A worker has greater protection against being fired after completing the probationary period.

Progressive Discipline

A series of more and more severe disciplinary penalties. Generally, an employer must apply progressive discipline unless the misconduct justifies firing an employee. See **Discipline**.

Promotion

A worker moves to a higher paid job.

Qualifications

Requirements workers must meet to do a particular job. These may include ability, skills, knowledge, experience, education, training, licensing, or membership in a profession.

Quorum

The minimum number of members required to hold a meeting.

Racism

A system in which one group has economic and social power over another group because of their

skin colour. Racism is found in attitudes and behaviour of individuals, and in organizations. Racism in laws, policies, or organizational practices is called “systemic racism”. See Discrimination.

Raiding

A union asks members to leave another union and join it.

Rand Formula

A requirement that all workers in a bargaining unit pay union dues, whether or not they are members of the union. See Agency Shop.

Ratification Vote

A vote of bargaining unit members to accept or reject a proposed collective agreement (or other agreement).

Recall

The process for bringing laid off workers back to work.

Recognition Clause

Article of a collective agreement that describes the bargaining unit certified by the labour board or agreed upon by the union and employer.

Red-Circling

8. The worker keeps their wage rate when moving into a job that pays less.
9. In job evaluation, the wage rate for a job is maintained even though the job has been valued at a lower rate.

Reinstatement A return to work after being fired.

Religious Exemption

A worker is excused from union membership and paying dues because of religious beliefs. Normally the worker is required to pay the same amount to a charity.

Retroactive

A change comes into effect on a date that has passed. For example, if the union negotiates a wage increase during bargaining, you may be owed that increase back to when the collective agreement starts.

Scab

Someone who works during a strike. See Strike-breaker.

Scope of the Bargaining Unit

A description of the bargaining unit represented by the union. See Recognition clause.

Seniority

A listing of workers in order of length of service or time worked. Employers often use seniority to decide who will be promoted, laid off or recalled. Seniority is usually applied across the bargaining unit, but it may be limited to a department or classification. See Service.

Service

The length of time you've worked for an employer. Benefits such as vacation are often linked to length of service.

Severance pay

Pay that a worker receives from the employer at the end of employment. Your severance pay is usually based on how long you've worked for the employer.

Sexism

A set of beliefs, actions and institutions that give men social and economic power over women. Sexism is found in attitudes and behaviour of individuals and in policies and practices of organizations. See **Discrimination**.

Sexual orientation

A person's sexual preference. For example: heterosexual, bisexual, gay, or lesbian. See **Heterosexism**.

Shift differential

Extra pay you earn when you work outside your regular daytime hours.

Slowdown

Working at a slower pace than usual. See **Work to Rule**.

Split shift

When the time you work each day is separated into two or more periods of work, for example 8 am to 11 am, then 4 pm to 7 pm.

Staff representative

An employee of the parent or national union who helps local union officers represent workers. See **National Representative**.

Statutory freeze

A period when no collective agreement is in effect, but the employer cannot change rights, benefits, and other terms of employment without the union's consent.

Stereotype

A belief that someone has certain qualities or behaves in a certain way because of their race, gender, or other characteristic. Stereotypes can lead to discrimination. See **Discrimination**.

Steward

A union officer who represents co-workers in dealing with the employer. Also called "shop steward" or "union steward".

Strike

Workers stop working as a way to pressure the employer to settle a collective agreement or other dispute. Usually, strikes are legal only after the collective agreement ends and certain bargaining steps have been completed.

- **Rotating strike:** A strike where workers take turns striking.
- **Sympathy strike:** A strike by workers who are not directly involved in the dispute.
- **Wildcat strike:** An unplanned strike started by workers without official union approval.

Strike-breaker

See **Scab**.

Successor

A person or body that takes the place of another.

- **Successor employer:** An employer that buys or takes over all or part of another employer's operation.
- **Successor union:** A union that takes over the rights and obligations of another union after a merger or transfer of jurisdiction.
- **Successor rights:** Collective bargaining rights and obligations that apply to a successor employer or successor union.

Super-Seniority

A clause giving union officials greater seniority, to protect them from layoff.

Suspension

A period of time that an employee is not allowed to work, usually as a form of discipline and without pay.

Third party

A person or organization that is not directly involved. In a labour dispute, the third party may be a neutral person who helps solve the dispute.

- **Third Party Beneficiary:** Someone who is not a party to a contract but benefits from it.
- **Third Party Intervenor:** Someone allowed to participate in a dispute between two other parties because their rights are affected.

Training period

The time that a worker has to learn a new skill or job.

Transfer

To move from one to another.

Transfer of jurisdiction

When a union transfers members and the right to represent them to another union.

Transgender

Someone born one sex, who feels they are really the other sex. Transgender persons may be heterosexual, bisexual, gay, or lesbian.

Transphobia

Hatred, fear, discomfort or violence towards someone who is transgender. See Heterosexism and Discrimination.

Trial period

The time during which an employer decides whether a worker is suitable in a new job, or a worker decides whether to stay in a new job. While probation applies when you are first hired, trial periods apply when you move to a new job with the same employer.

Trusteeship

A parent or national union takes control over a local union, according to the union's constitution.

Unfair labour practice

A violation of the rights of workers or others protected by labour law.

Union label

An image or words showing that a product was made by unionized workers. It is sometimes called a "union bug".

Union security

Requirements for union membership and payment of dues at unionized workplaces. See Agency shop, Closed shop, Rand Formula, and Union shop.

Union shop

A requirement that all workers in a bargaining unit must belong to the union.

Vacancy

A job to be filled. See Job posting.

Voluntary recognition

An employer agrees that a union has the right to represent its employees, without certification. See Certification.

Withdraw

To take back something. For example, a union can withdraw a grievance or an agreement made.

Without prejudice

When a person or party makes an offer on condition that it not be used against them. For example, a grievance settled "without prejudice" cannot be used by either the union or employer in future cases.

Work stoppage

A strike or a lockout.

Work to rule

A slowdown where workers do everything "by the book", following every rule in order to slow down the work.

Wrongful Dismissal

Discharge of a non-unionized worker without just cause. Generally, non-unionized workers can claim compensation but not reinstatement.