

Innovation in Industrial Relations in the Unionized Ontario ICI- Construction Sector: Resolving Jurisdictional Disputes and No-Strike/Lockout Protocols

Professor Chaykowski and Professor Hickey have begun a research project that will support discussion and the development of new approaches to resolving jurisdictional disputes and establishing no-strike/lockout protocols among employer and union stakeholders in Ontario ICI-Construction sector.

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A major industrial relations issue that has been identified within the Ontario ICI-Construction sector is that there is a large number of ***Jurisdictional Disputes*** (JDs) that reach the Ontario Labour Relations Board. There is concern that the relatively large number of such disputes, and the fact that so many only get dealt with at the level of the OLRB, results in significant costs to the parties. Of particular concern is that protracted JDs negatively impact labour relations in the industry. Additionally, there are direct costs associated with pursuing prolonged disputes that are resolved only at the final stage of a formal hearing. Alternatively, there may be different approaches to addressing JDs that involve different processes and interventions that resolve the JDs sooner, so that the JD is resolved prior to reaching the OLRB, and at much lower costs to the parties. In order to explore these issues, this project will examine JD cases over the period 2009-2014, and assess possible alternative approaches to JD resolution.

No-strike/no lockout protocols are a long-standing feature of some union-employer relationships, but they can be structured and implemented in a variety of ways, and with different degrees of success. The success of no-strike/no lockout protocols depends, therefore, upon the nature of the protocol and their implementation, and the characteristics of the parties; and the (lack of) success of these protocols has a direct impact of the likelihood of incurring costly disputes.

Where the parties see these protocols as useful, it is important to better understand alternative types of protocols, how they might best be implemented, and how they may be complemented by other approaches to avoiding disputes/stoppages. This part of the project will include an assessment of:

- Some of the main characteristics of existing protocols, including:
 - Characteristics across unions and employers in the construction sector;
 - Characteristics across unions / employers in other industries/sectors;
- Protocols, and their characteristics, in other jurisdictions.