

Bargaining FAQ: Mediation & Next Steps

Q: I am being transferred to a new employer (Recovery Alberta, Acute Care Alberta, Primary Care Alberta or Assisted Living Alberta), do the AHS bargaining updates still apply to me?

A: All of the new Provincial Health Agencies (PHA) are subject to the Provincial Collective Agreement. A Letter of Understanding signed by HSA and AHS in September 2024 retains and expands the rights of employees affected by the creation of the new PHAs.

Q: Now that informal mediation has ended, what are the next steps?

A: HSA will file our Essential Services Agreement (ESA) as soon as possible for approval by the commissioner. This process may take some time as we wait for a decision from the Labour Board regarding the scheduling terms of the agreement. Once that is resolved, HSA will proceed with filing for formal mediation under section 65 of the Alberta Labour Relations Code. Following that, we will secure a mediator and schedule mediation dates with AHS.

Q: What is an Essential Services Agreement (ESA)?

A: An ESA is a contract between the employer and HSA that sets staffing levels during a strike or lockout to ensure public health and safety. Once an ESA is in place, it allows unions to strike and employers to lock out unionized employees.

Services are only essential if interrupting them would:

1. Endanger the life, personal safety or health of the public, or
2. Be necessary to maintain rule of law or public security.

If interrupting a service would be inconvenient or disadvantageous for the public (including patients), but would not endanger the public's life, personal safety or health, it is not essential and must not be performed during a strike. For a strike to be effective, it is important that non-essential services be withdrawn.

Q: What is the purpose of mediation?

Both informal and formal mediation involve a neutral third party assisting the union and employer to reach an agreement. Both informal and formal mediation have the same purpose:

- To hear any representations by either party
- To mediate between the parties of the dispute, and
- To encourage the parties of the dispute to reach a settlement.

Q: What is the difference between formal and informal mediation?

A: The key difference between informal and formal mediation lies in the process, requirements, and potential outcomes.

1. Informal Mediation

Informal mediation is a non-binding stage of bargaining. This means that the parties are not required to reach an agreement. If no agreement is made during informal mediation, there is no immediate mechanism for legal job action, such as a strike or lockout. Informal mediation is not a required phase of collective bargaining.

2. Formal Mediation

If informal mediation or regular collective bargaining does not lead to an agreement, formal mediation is required under the Alberta Labour Relations Code. The key difference is that formal mediation includes the possibility of legal job action (strike or lockout) if an agreement is not reached. To enter formal mediation, an Essential Services Agreement (ESA) must be in place, ensuring that legal job actions can be considered if necessary.

In summary, informal mediation is a voluntary, non-binding process aimed at reaching a settlement without legal action, while formal mediation is mandatory, introduces the potential for legal action, and requires an ESA.

Q: What happens if no deal is reached through formal mediation?

A: If no deal is reached through formal mediation, there must be a 14-day cooling off period for the parties to reassess their positions. The parties will then have the following options:

- The union may conduct a supervised strike vote
- The employer may call a lockout
- The parties may return to the bargaining table

Q: Why might a strike be necessary during bargaining?

A: A strike is a last resort, used to put pressure on the employer and the Government to resolve outstanding issues and secure a fair collective agreement.

HSAA's priority is always to negotiate a fair collective agreement without any work disruption, and we typically achieve this. However, if the employer or Government refuses to negotiate fairly or insists on concessions that divide our membership, we are left with few options.

Q: Who decides if we go on Strike?

A: All members covered by the Collective Agreement have a say in the decision to strike or not through a province-wide strike vote. If the majority vote is in favour of a strike, HSAA will assess the strength of the support to determine next steps. A strike vote is valid for 120 days.

Q: How much notice is required before a strike or lockout can happen?

A: HSAA must give 72 hours' notice to the employer before commencing a strike. The employer must give the same notice to commence a lockout.

Q: If we go on strike, will it be a rotating strike (only impacting certain sites/programs) or will all sites/programs be affected at once?

A: The decision on whether the strike will be rotating or involve all sites/programs at once will be determined by HSAA based on factors such as the nature of the demands, the potential effectiveness, and other relevant considerations.

Q: How will members be notified of our role during a strike?

A: HSAA will communicate directly with our members through various channels, such as social media, emails, meetings, and bulletins. Members will be informed about the strike details, including their roles and responsibilities. HSAA will also coordinate with picket captains at each affected site. A strike action committee will also be formed to provide communication and coordination of the strike activities.

Q: What is a lockout?

A: A lockout occurs when an employer shuts down a workplace, suspends operations, or refuses to allow employees to work.

Q: What would happen if a lockout were initiated by AHS?

A: If AHS initiates a lockout, they will serve notice specifying which sites they will be locking out initially. Afterward, they may rotate or change sites. The ESA remains in place and governs which positions are essential. Only those scheduled to work under the ESA schedule will be allowed to continue working.

Q: Is there a strike/lockout fund?

A: Yes, HSAA has a strike/lockout fund.

Q: How would a strike/lockout affect me financially?

Strike or lockout pay to members shall be at least that of the Alberta provincial minimum wage up to a maximum of their hourly rate.

Payment is dependent upon active participation for a minimum of 4 hours per day up to a maximum of 7.75 hours per day.

Full-time, part-time and casual members are entitled to be paid up to 40 hours per week.

Additional strike/lockout pay will be paid at the rate of \$40.00 per week for each dependent, once proof of dependency is provided to HSAA.

Full details on strike/lockout pay can be found in [Policy 2.50 Legal Strike/Lockout – Pay](#).

Q: If I am scheduled to work as per the Essential Services Agreement, am I also entitled to strike/lockout pay?

A: When you are on the picket line you will be compensated from the strike/lockout fund, compensation for time worked on an essential services shift(s) will be determined by the Board of Directors.

Q: When does a strike or lockout end?

A: A strike or lockout can end in several ways:

1. **Legislation** – a strike or lockout may end if the bargaining agent’s rights are terminated, or after two years from the start of the strike or lockout.
2. **Negotiated Collective Agreement** – if the parties continue to bargain and a tentative agreement is reached, all members have the opportunity to vote on acceptance of the new contract.
3. **Back-to-work legislations** – the government may pass legislation to direct both back to work.

Q: What can I do as a member to show Solidarity with the bargaining team?

A: To show solidarity, you can attend rallies, participate in calls to action, and stay informed.

Q: How will HSA keep members informed and engaged while we wait?

A: HSA will provide further updates as we have more information to share. Once formal mediation begins, a communications embargo will apply.