

DRAFTING DEMANDS

Words make a big difference in what rights the language provides and how grievances on that language will be decided, but your proposed language doesn't need to be perfect. Providing a clear and detailed rationale will help the Negotiating Committee understand your intent. If you're getting stuck, the Committee can fine-tune the language. Language is also likely to be amended at the bargaining table if it becomes part of the Agreement.

COLLECTIVE AGREEMENT LANGUAGE SHOULD BE:

Specific

Clear

Strong

TRY TO AVOID LANGUAGE THAT IS:

Discretionary, such as "may" – use "must," "will," or "shall" instead.

Non-binding, such as "the Employer will consider/endeavor/meet to discuss..." – The Employer doesn't have to do anything more than that.

Vague or up to the Employer, such as "qualified," "acceptable," "meaningful," or "reasonable."

Limiting. "The Employer shall provide all equipment to protect Employees' health and safety, including but not limited to..." provides a broader right than "The Employer shall provide required safety equipment such as gloves and masks."

Discriminatory, such as language that excludes groups of workers based on a human rights ground.

WHEN DRAFTING LANGUAGE:

Use simple, plain, clear language.

Use the simplest words and sentences possible to achieve your goal and avoid jargon and legalese. Cut unnecessary words.

Write short, complete sentences.

Long or complex sentences makes interpretation less straight-forward.

Read it aloud.

Catch any grammar issues and make sure it sounds clear. Read it aloud to someone else to see what they think it means.

Provide your rationale.

Document what's been happening that requires the language, why it's important, and your intended meaning and interpretation of the language.

Consider its impact.

Think about how the language will affect different members, not only in your Local but in other locals under the same Collective Agreement.