

Collective Bargaining Process

Regulation 15 C



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Public Service Alliance of Canada
Alliance de la Fonction publique du Canada

REGULATION 15

The PSAC Collective Bargaining Process

INTRODUCTION

Membership involvement and mobilization form the bedrock of the collective bargaining process. Through collective bargaining we protect and improve our working lives and help to build the labour movement. Collective bargaining is also an important vehicle for advancing our goals with respect to human rights and social justice. Collective bargaining also benefits society at large by helping to create more inclusive and progressive workplaces. By engaging and empowering all members of the Public Service Alliance of Canada through the collective bargaining process, we will achieve our shared aspirations and goals and create a stronger union.

The Public Service Alliance of Canada is a broad and diverse union and we are committed to ensuring that all bargaining units, regardless of size, industry or sector, have an equal opportunity to achieve their goals and advance our union's vision of social justice and equality. Underlying the success of any negotiation is membership mobilization and engagement across the union. Therefore, ensuring strong communication, mobilization and engagement throughout the bargaining process are essential components of how we conduct collective bargaining.

To that end, this document is a democratic framework that works towards ensuring that all involved in the process - from members and shop stewards in the worksite to union staff to our National President - understand their roles and responsibilities in bargaining a collective agreement.

STRUCTURE

This Regulation is divided into three parts. This allows our Union to address the diversity of the bargaining units within the Public Service Alliance of Canada and encourage and support our members' engagement in the collective bargaining process. The three parts of this Regulation are 15A: Treasury Board and Agency Bargaining; 15B National Bargaining Units and Territorial Government Bargaining Units; and 15C Directly Chartered Local and Regional Bargaining Units.

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15C – COLLECTIVE BARGAINING FOR DIRECTLY CHARTERED LOCALS AND REGIONAL BARGAINING UNITS

1. APPLICATION

This part of the Regulation applies to all regional bargaining units in the PSAC, other than the Territorial Government units covered by Part B. Regional bargaining units are those where all of the members work in a single PSAC region including the majority of separate employer locals under the *Public Service Labour Relations Act* and are represented by a single Component or by a Directly Chartered Local.

2. ROLES AND RESPONSIBILITIES

2.1 Members

2.1.1 Members are the backbone of the collective bargaining process. The active support and mobilization of our membership is critical to successful collective bargaining. Our union is only as strong as the membership.

2.1.2 Collective bargaining is the way to improve working conditions and advance the issues that are important to our union members. The more participation in the process, which includes submitting bargaining demands, being aware of the issues at the bargaining table, supporting our bargaining teams and participating in mobilization activities, the greater the success of collective bargaining.

2.2 Local

2.2.1 The Local is the first point of contact with the union for most bargaining unit members. Local Union Officers are, therefore, key to our ability to mobilize our membership and achieve success at the bargaining table.

2.2.2 The Local receives the bargaining input call and distributes it to bargaining unit members in the Local. The Local then receives the bargaining input from members in the Local.

2.2.3 The Local is responsible for establishing a Standing Bargaining Committee to review and organize the input from members, assist in the development of rationales. The Committee also ensures that information is included with the bargaining input when it is sent back to the PSAC, whether through a Component or from a Directly Chartered Local.

2.2.4 Standing Bargaining Committees work to make bargaining an engaging and ongoing participatory process for the membership. This can include

developing bargaining surveys, grievance analysis and having members assist other PSAC bargaining units currently engaged in negotiation.

- 2.2.5 The Standing Bargaining Committee of the Local and the Local Officers provide vital support to the bargaining process by ensuring that bargaining unit members in the Local are well informed about the issues, and that mobilization events are well-supported.
- 2.2.6 The Local strengthens the bargaining process by putting forward the names of knowledgeable and committed members who are able to represent the Local on bargaining teams and on strike coordinating committees, where applicable.
- 2.2.7 The Locals work with the PSAC and are responsible for the conduct of votes, such as ratification, strike or dispute settlement route votes, among their members.

2.3 Directly Chartered Local (DCL) or Component

- 2.3.1 The DCL or Component receives the input call from the PSAC and forwards it to each Local or worksite for which there are members in the bargaining unit.
- 2.3.2 The DCL or Component then receives the bargaining demands from the members, forwarded through the Locals and worksites, and reviews, amends and/or supplements and selects the demands that are to be sent to the PSAC in the manner set out in this Regulation.
- 2.3.3 The DCL or Component supports the bargaining process by electing/selecting bargaining unit members who are engaged in union activities and committed to union principles to represent the bargaining unit members in the manner set out in this Regulation.
- 2.3.4 The DCL or Components play a key role in the bargaining process by ensuring that bargaining unit members in the Component or worksites are well informed about the issues, and that mobilization events are well-supported.
- 2.3.5 The DCL or Component works with the PSAC to conduct votes, such as ratification, strike or dispute settlement route votes, among their members.

2.4 National Board of Directors (NBoD)

- 2.4.1 As the Union's governing body between Conventions, the NBoD establishes policies related to collective bargaining.
- 2.4.2 The NBoD is responsible for fully supporting the recommendations of a negotiating team and may not make any public statement that is critical of the bargaining team's decision or that calls that decision into question.
- 2.4.3 Members of the NBoD who have bargaining unit members in their Components shall be elected/selected to sit as part of the Strategy Coordinating Committee or Strike Coordinating Committee. The NBoD member may designate an alternate representative from their Component.

2.5 Collective Bargaining Committee (CBC) of the NBoD

- 2.5.1 The CBC of the NBoD is composed of members of the NBoD appointed to it by the PSAC National President and is chaired by the AEC Officer(s) responsible for collective bargaining.
- 2.5.2 The CBC may be asked to consider any matter related to collective bargaining referred to it by the NBoD or the AEC and to make recommendations as required.

2.6 Strategy/Strike Coordinating Committee (SCC)

- 2.6.1 The SCC is chaired by the AEC Officer(s) responsible for the bargaining unit or designate and is composed of the member of the NBoD or where applicable, a designate selected from the Component with members in the bargaining unit, or the President of the Directly Chartered Local or designate, and the bargaining team member or members selected by the team to sit on the SCC.
- 2.6.2 The size and composition of the SCC may vary according to the size of the bargaining unit, and whether or not it is a multi-unit or coalition bargaining process.
- 2.6.3 The SCC provides key strategic support and advice throughout the bargaining process and makes recommendations to the National President, the AEC and the NBoD on such matters as the bargaining timelines, bargaining strategy and priorities, and the communications and mobilization strategy.

- 2.6.4 The Strategy Coordinating Committee (SCC) becomes the Strike Coordinating Committee (SCC) at the point at which strike mobilization is required and makes key recommendations to the National President, the AEC and the NBoD where necessary on strike strategy and mobilization.

2.7 Bargaining Teams

- 2.7.1 Bargaining teams represent all members of the bargaining unit at the bargaining table and play an essential role in the bargaining process.
- 2.7.2 Bargaining team members are expected to engage directly with other workers through the entire bargaining process.
- 2.7.3 Bargaining team members are responsible for ensuring that the bargaining process helps build the union and advances the interests of all members.
- 2.7.4 Bargaining team members are obligated to respect the Constitution and Regulations of the PSAC and to adhere to PSAC policies.
- 2.7.5 Bargaining team members must be dedicated union activists who are engaged in union activities and committed to union principles, including social justice and human rights.
- 2.7.6 Bargaining team members provide important insight and information on the actual working conditions of bargaining unit members in the workplace and on the rationales for bargaining demands.
- 2.7.7 Bargaining team members are responsible for conveying information about the progress of bargaining to bargaining unit members, and for explaining decisions made by them at the bargaining table.
- 2.7.8 Bargaining team members are responsible for reporting back to the bargaining team relevant issues raised by membership, received as part of their communication and outreach work, on an ongoing basis.
- 2.7.9 Bargaining team members participate in the process of negotiations by reviewing the bargaining input, finalizing and prioritizing the package of demands, participating in bargaining, by participating in strategy and mobilization discussions as required, by making decisions on employer offers and tentative settlements, and by participating in mobilization activities established for the bargaining unit.
- 2.7.10 Bargaining team members must make a decision to accept or reject a proposed memorandum of settlement before it is sent to the members of the bargaining unit for a vote, and once that decision is made, all members of the bargaining team must support it.

2.8 Regional Councils

- 2.8.1 As the body of elected officers in each region, Regional Councils play a vital role in regional mobilization during the bargaining process and in the strike mobilization process, particularly in multi-unit or coalition bargaining.
- 2.8.2 Regional Councils are an important venue for information sharing and for encouraging solidarity and support for other PSAC bargaining units in need of assistance.

2.9 Alliance Executive Committee (AEC)

- 2.9.1 The AEC will ensure an effective bargaining environment by appointing the staff necessary to facilitate bargaining and membership mobilization.
- 2.9.2 The AEC will determine the size of bargaining teams within the parameters established in 3.8 of this Regulation.
- 2.9.3 The AEC will ensure that bargaining teams are representative by using its authority to appoint bargaining team members.
- 2.9.4 The AEC has the sole authority to remove a member from a bargaining team.
- 2.9.5 The AEC has the sole authority for approving Memoranda of Settlement and letters of understanding.
- 2.9.6 The AEC is responsible for approving administrative guidelines governing activities with Regulation 15.

2.10 AEC Officers

- 2.10.1 AEC Officers have the responsibility for the establishment of a Strategy/ Strike Coordinating Committee SCC and chairing SCC Meetings.
- 2.10.2 AEC Officers are mandated to sign collective agreements.

2.11 National President

- 2.11.1 The National President has the sole authority to interpret the PSAC constitution and this Regulation.
- 2.11.2 The National President has the sole authority to authorize a strike vote and authorize or end strike action.

- 2.11.3 In consultation with the affected bargaining team(s), the National President or designate may engage in direct negotiations with the employer to achieve a Memorandum of Settlement.

3. COLLECTIVE BARGAINING PROCESS

3.1 Establishment of a Strategy/Strike Coordinating Committee (SCC)

- 3.1.1 The AEC Officer assigned to the bargaining unit will establish an SCC to provide strategic advice on bargaining, mobilization and strike mobilization.
- 3.1.2 The SCC will be composed of the AEC Officer(s) responsible or designate, the member of the NBoD or designate selected from the Component with members in the bargaining unit or Local President of the Directly Chartered Local or designate, and the bargaining team member or members selected by the team to sit on the SCC. The SCC will also assign appropriate staff to provide technical advice as required.
- 3.1.3 The number of team members elected/selected to sit on the committee will be determined by the AEC Officer assigned to the bargaining unit, in consultation with the Component President or designate or Directly Chartered Local President or designate who has members in the bargaining unit.
- 3.1.4 The SCC will meet as early as possible in the bargaining process, ideally before Notice to Bargain has been served.
- 3.1.5 The SCC will determine its own process and agenda, but generally will be mandated to discuss and recommend strategies with respect to bargaining timelines, communications to the membership and others, mobilization and strike mobilization and strategy, as well as any other matter that may have an impact on bargaining in any particular round of negotiations.

3.2 Bargaining Timelines

- 3.2.1 Between six (6) months and one year before notice to bargain is to be served, the PSAC will develop the initial timeline for bargaining in consultation with the AEC Officer assigned to the bargaining unit and the Component President or designate with members in the bargaining unit, or the Directly Chartered Local President, and the SCC.
- 3.2.2 The bargaining timeline may be revised as required from time to time throughout the process of bargaining.

3.3 Input Call

- 3.3.1 At least six (6) months before notice to bargain is served, or at such time established on the bargaining timeline, the PSAC will send out the call for bargaining input from the members in the bargaining unit.
- 3.3.2 The input call will be sent to the Component with members in the bargaining unit or Directly Chartered Local and will set out the date that the input must be returned to the PSAC Negotiations Section.
- 3.3.3 The Component will forward the input call to the Local with members in the bargaining unit.
- 3.3.4 The Local will distribute the input call and any attached documents to members of the bargaining unit.
- 3.3.5 The Local will receive the bargaining input from the members of the bargaining unit and will review each demand to ensure that there is a complete rationale for the demand. The Local will also ensure that where there are multiple proposals on the same subject that one proposal will cover all aspects of the group of proposals.
- 3.3.6 The Local will forward only one proposal on each issue to the PSAC Negotiations Section, as well as to the Component where applicable, and will only forward the number of proposals set out in the input call if the input call limits the number of proposals.
- 3.3.7 The Component or the Directly Chartered Local, will review, amend and/or supplement proposals and forward to the PSAC Negotiations Section, only the number of proposals set out in the input call, and will send only one proposal for each issue.
- 3.3.8 The Component or Directly Chartered Local shall ensure that each proposal is sent electronically to the PSAC Negotiations Section within the timeframe set out in the input call. Each proposal shall contain a rationale, identify the submitting Local and shall be provided in both official languages where appropriate.

3.4 Bargaining Teams

General

- 3.4.1 Bargaining team members are required to attend all bargaining sessions and failure to do so could result in removal from the team.

- 3.4.2 Bargaining team members will be protected from loss of income and their expenses will be reimbursed according to the administrative guidelines that are amended from time to time and approved by the AEC.

Size of Bargaining Teams

- 3.4.3 The AEC will determine the size of the bargaining team taking into account the size of the unit, and its reflection of equity and occupational group diversity.
- 3.4.4 The size of a negotiating team will normally be three members with the goal of ensuring equity and occupational group diversity.
- 3.4.5 The AEC may determine that a negotiating team should be smaller than 3 members where the bargaining unit has fewer than 50 members. The AEC may determine that a bargaining team should be larger than three members for reasons such as:
- ⌚ first collective agreements for larger bargaining units (for units with over 100 members)
 - ⌚ negotiations for larger bargaining units (those of over 500 members)
 - ⌚ wide occupational diversity in the bargaining unit
 - ⌚ coalition bargaining across more than one bargaining unit

3.5 Election/Selection and Composition of Bargaining Teams

- 3.5.1 The Component or Directly Chartered Local with members in the bargaining unit shall elect the bargaining team.
- 3.5.2 The AEC in consultation with the Component or Directly Chartered Local may appoint an additional bargaining team member or members to ensure equity, linguistic and/or occupational group diversity, and to ensure the adequate representation of women.
- 3.5.3 The National President may appoint a member of the AEC and/or the NBoD to sit as a member of the bargaining team, who shall have full voice but no vote.
- 3.5.4 The National President and/or the AEC shall appoint a staff representative to sit on the bargaining team as chair of the team. This appointee shall have full voice but no vote.
- 3.5.5 The National President and/or the AEC may appoint staff representatives to sit on the bargaining team as technical advisors who have voice but no vote.

3.6 Negotiations

- 3.6.1 The bargaining team will communicate with the membership on the progress of negotiations at each stage of the negotiations process (e.g. prior to the initial exchange, at impasse, and ratification or award) or more often as appropriate and will report back to the rest of the bargaining team any relevant issues raised by the membership.
- 3.6.2 Bargaining team members who do not fulfill their responsibilities as a bargaining team member may be removed from the team. All removal requests are to be submitted to the AEC Officer(s) responsible for collective bargaining for the bargaining unit. The decision as to whether or not a bargaining team member is to be removed shall be made by the AEC.

3.7 Memorandum of Settlement

- 3.7.1 In consultation with the affected bargaining team(s), the National President or designate may engage in direct negotiations with the employer to achieve a Memorandum of Settlement.
- 3.7.2 Authority to arrive at Memoranda of Settlement or Letters of Understanding rests with the AEC. The AEC Officer(s) responsible for collective bargaining for the bargaining unit or designate must be consulted prior to signing a Memorandum of Settlement or Letter of Understanding.
- 3.7.3 The AEC Officer(s) or designate shall have the signing authority on any Memorandum of Settlement, Collective Agreements or Letters of Understanding.

3.8 Votes

Dispute Settlement Route Votes (*Public Service Labour Relations Act* units only)

- 3.8.1 All bargaining units governed by the PSLRA shall remain on the conciliation with the right to strike dispute settlement route. Requests to change the route to arbitration can be submitted as outlined below and, if approved, shall be in force for one round of bargaining only.
- 3.8.2 A dispute settlement route vote shall be taken when there has been a request by either a petition from 10 percent of the membership of the bargaining unit or when the NBoD so directs.

- 3.8.3 The AEC shall have the right to set deadlines for the receipt of such requests in order to allow for the scheduling of votes well in advance of the notice to bargain date. Such deadlines shall be communicated to all Components at least three months before the deadline date.
- 3.8.4 Approval of a change in the dispute settlement route shall be made as a result of a majority of the returned ballots, excluding spoiled ballots, or by a decision of the NBoD.

Strike Votes

- 3.8.5 The National President is the only person who may authorize a strike vote and authorize or end strike activity. Such authorization(s) shall be in writing.
- 3.8.6 Subject to the applicable legislation, strike votes shall be conducted at meetings conducted for the purpose of explaining the outstanding issues and reasons that a strike vote is necessary, except where the isolated location of the worksite or shift schedules require that special arrangements be made.
- 3.8.7 Subject to the applicable labour legislation, all employees in the bargaining unit may be entitled to vote in strike votes.

Ratification Votes

- 3.8.8 Ratification votes shall be held at meetings conducted for the purpose of explaining the terms of the tentative agreement, except where the isolated nature of the worksite or shift schedules require that special arrangements be made.
- 3.8.9 Subject to the applicable labour legislation, only employees in the bargaining unit who are PSAC members in good standing shall be entitled to vote in a ratification vote; proof of membership may be required.
- 3.8.10 When legislation provides a process where a ratification vote on whether or not employees wish to accept a tentative collective agreement is also intended to constitute a strike vote, and all employees in the bargaining unit are entitled to vote in the strike vote, the following procedure shall apply:
- a) employees in the bargaining unit who are PSAC members in good standing shall be provided with a ballot that asks whether they accept the tentative agreement or whether they reject it and authorize strike action; and

- b) employees in the bargaining unit who are not PSAC members in good standing shall be provided with a ballot that asks whether the employee authorizes or does not authorize strike action.

3.8.11 AEC Officer shall have a mandate to sign a collective agreement for a bargaining unit or a coalition bargaining group when a majority of the votes cast are in the affirmative, excluding spoiled ballots.

4. DEVIATION FROM THE REGULATION

4.1.1 Requests for deviation from this Regulation may be made by a Component President or an AEC Officer responsible for the bargaining unit in the case of Directly Chartered Locals.

4.1.2 Deviation from the Regulation requires the approval of the AEC and the Component President with members in the bargaining unit or the AEC Officer responsible for the bargaining unit in the case of Directly Chartered Locals.

