

# **Collective Bargaining Process**

## **Regulation 15 B**



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



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# **REGULATION 15**

## **The PSAC Collective Bargaining Process**

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### **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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# **15B – COLLECTIVE BARGAINING FOR ALL TERRITORIAL GOVERNMENT AND POWER CORPORATION BARGAINING UNITS AND NATIONAL UNITS (OTHER THAN TREASURY BOARD, CRA, PARKS AND CFIA)**

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## **1. APPLICATION**

This Section of the Regulation applies to Yukon, Northwest Territories and Nunavut Power Corporations and Territorial Government bargaining units. It also applies to all national units other than Treasury Board (TB), Canada Revenue Agency (CRA), Parks Canada and the Canadian Food Inspection Agency (CFIA) which include members who work in more than one of the PSAC's seven regions.

This part of the Regulation covers thirteen PSAC bargaining units representing approximately ten per cent of the PSAC membership.

## **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 there is 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 Locals**

2.2.1 Locals are 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 Locals receive the bargaining input call and distribute it to bargaining unit members in the Local. The Local then receives the bargaining input from members.

- 2.2.3 Locals are responsible for establishing Standing Bargaining Committees that review and organize the input from members and assist in the development of rationales. These Committees also ensure that information is included with the bargaining input when it is sent back to the Component.
- 2.2.4 Local 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 Local Standing Bargaining Committee and the Local Officers provide important 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 in the Local.
- 2.2.6 Locals strengthen the bargaining process by putting forward, to their Components where applicable, the names of knowledgeable and committed members who are able to represent the Local at bargaining conferences, on bargaining teams and on strike coordinating committees, where applicable.
- 2.2.7 Locals work with the PSAC and are responsible for the conduct of votes, such as ratification, strike or dispute settlement route votes, among their membership.

## **2.3 Components**

- 2.3.1 Components receive the input call from the PSAC. The Components then forward the input call to each Local that represents members in the bargaining unit.
- 2.3.2 Components then receive the bargaining demands from the members, forwarded through their Locals. The Component 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 Components support 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 at Regional and/or National Bargaining Conferences in the manner set out in this Regulation. Delegates to Regional and National Bargaining Conferences are responsible for supporting member mobilization through the bargaining process.

- 2.3.4 Components are responsible for keeping their members informed about the issues, and ensuring that mobilization events are well-supported throughout the Component.
- 2.3.5 Components work 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 are responsible for fully participating in mobilizing efforts.
- 2.4.4 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 and/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 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.

2.6.2 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 Team**

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 throughout 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 our 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, participating in strategy and mobilization discussions as required, 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 without exception.

## **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 shall, where appropriate, establish Regional and/or National Bargaining Conferences.
- 2.9.3 The AEC will determine the size of bargaining teams within the parameters established in 3.8 of this Regulation.
- 2.9.4 The AEC will ensure that bargaining teams are representative by using its authority to appoint bargaining team members.
- 2.9.5 The AEC has the sole authority to remove a member from a bargaining team.
- 2.9.6 The AEC has sole authority for approving Memoranda of Settlement and letters of understanding.
- 2.9.7 The AEC is responsible for approving administrative guidelines governing activities associated 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 Regional AEC Officers will approve the Agenda for their respective Regional Bargaining Conferences, and chair such Conferences.

- 2.10.3 AEC Officer(s) will chair National Bargaining Conferences.
- 2.10.4 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 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 for the bargaining unit, the member of the NBoD or designate selected from the Component with members in the bargaining unit, 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 who has members in the bargaining unit.
- 3.1.4 The SCC is chaired by the NBoD member responsible for the bargaining unit or designate.
- 3.1.5 The SCC will meet as early as possible in the bargaining process, ideally before Notice to Bargain has been served.
- 3.1.6 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 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 members in the bargaining unit.
- 3.3.2 The input call will be sent to the Component with members in the bargaining unit and will set out the date that the input must be sent to the PSAC Negotiations Section.
- 3.3.3 The Component will forward the input call to each Local with members in the bargaining unit.
- 3.3.4 Each Local with members in the bargaining unit will distribute the input call and any attached documents to members of the bargaining unit in the Local.
- 3.3.5 The Locals will receive the bargaining input from members of the bargaining unit and will review each demand to ensure that there is a complete rationale for the demand. The Locals 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 the number of proposals set out in the input call if the input call limits the number of proposals.
- 3.3.7 The Component reviews, amends and/or supplements the proposals received from the Locals, and will 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 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 be provided in both official languages where appropriate.

### **3.4 Bargaining Conferences (where applicable)**

#### **General**

- 3.4.1 In consultation with the Component with members in the bargaining unit, where the AEC decides that Regional and/or National Bargaining Conferences will be held, the following rules and procedures shall apply.
- 3.4.2 Bargaining Conferences are the opportunity for bargaining unit members, elected officers, and activists to meet to plan the upcoming round of bargaining, review bargaining demands, identify priorities, develop initial mobilization strategies, and build awareness of the political context in which the round of bargaining will take place.
- 3.4.3 Bargaining Conferences also present an important learning opportunity for new activists and an equally-important opportunity for all members in attendance to build solidarity.
- 3.4.4 Delegates chosen to attend either Regional or National Bargaining Conferences must be members of the bargaining unit or hold office in the union, which can include being a shop steward. Delegates must also be dedicated union activists engaged in union activities and committed to union principles, including social justice and human rights.
- 3.4.5 Members of the NBoD who have members in the bargaining unit may attend bargaining conferences and may fully participate in all discussions, but may not seek election or vote in the election of bargaining team members.

### **3.5 Regional Conferences (where applicable)**

- 3.5.1 The location of Regional Bargaining Conferences will be determined by the AEC and may vary from round to round as circumstances and necessity dictate. Where there are bargaining unit members in each region, a Regional Conference will be held for each region. However, several Regional Conferences may be held in one location at the same time in order to more effectively allocate resources.
- 3.5.2 Regional Bargaining Conferences will be chaired by the PSAC Regional Executive Vice-President of the region and where Regional Bargaining

Conferences are co-located, sessions involving more than one region may be chaired by the REVP(s) assigned responsibility for collective bargaining for that unit.

- 3.5.3 The agenda for Regional Bargaining Conferences will be reviewed and approved by the appropriate REVPs and may vary from round to round. However, in all cases, there should be an opportunity provided for delegates to consider mobilization strategies and to have an initial review of bargaining proposals, in addition to selecting delegates to attend the National Bargaining Conference.

### **3.6 National Bargaining Conferences (where applicable)**

- 3.6.1 If a National Bargaining Conference is held, the location is to be determined by the AEC.
- 3.6.2 National Bargaining Conferences will be chaired by an AEC Officer(s).
- 3.6.3 The agenda for National Bargaining Conferences and the duration of the conference will be reviewed and approved by the AEC and will include an opportunity for the delegates to: review the bargaining proposals, establish bargaining priorities, develop mobilization strategies, and elect bargaining teams.
- 3.6.4 In addition to the delegates selected to attend the National Bargaining Conference from the Regional Bargaining Conferences, delegates will be chosen to attend National Bargaining Conferences using the following criteria:

### **3.7 Conference Delegates**

- 3.7.1 The Component with members in the bargaining unit shall be entitled to a number of delegates determined by the AEC, in consultation with the Component taking into account the size of the unit.
- 3.7.2 Delegates who attend the Regional and/or National Bargaining Conferences must be members of the bargaining unit.
- 3.7.3 The AEC in consultation with the Component, may appoint additional delegates to the Regional and/or National Conferences from the bargaining unit to ensure equity, geographic, linguistic and/or occupational group diversity.
- 3.7.4 The AEC in consultation with the Component may appoint a youth delegate or delegates. Youth is defined as a member of the bargaining unit who is 30 years of age or younger.

- 3.7.5 A Bargaining Conference may be held that does not conform to the procedures laid out above. Delegates to such Bargaining Conferences will be chosen according to a process established by the AEC, in consultation with the Component(s) who have members in the bargaining unit.

## **3.8 Bargaining Teams**

### **General**

- 3.8.1 Bargaining team members must hold office in the union and must represent all members of the bargaining unit and not any particular constituency within the bargaining unit or the union.
- 3.8.2 Bargaining team members are required to attend all bargaining sessions and failure to do so could result in removal from the team.
- 3.8.3 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.
- 3.8.4 The bargaining team will communicate with members 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 them.
- 3.8.5 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.

### **Size of Bargaining Teams**

- 3.8.6 The AEC will determine the size of the bargaining team taking into account the size of the unit, and its reflection of equity, geographic, linguistic and occupational group diversity.
- 3.8.7 The size of a bargaining team will normally be between three and five members with the goal of ensuring women representation, equity, geographic, linguistic and occupational group diversity. No national bargaining team should have fewer than five members.

### **3.9 Election/Selection and Composition of Bargaining Teams**

- 3.9.1 If the bargaining unit has a National Bargaining Conference, a majority of each negotiating team will be elected at the National Bargaining Conference and the remaining members will be appointed from the pool of National Bargaining Conference delegates by the AEC in consultation with the Component. The number to be appointed will be decided and announced by the AEC prior to the National Bargaining Conference.
- 3.9.2 If the unit does not have a National Bargaining Conference the Component with members in the bargaining unit shall elect a majority of the bargaining team members and the remaining bargaining unit members will be appointed by the AEC. Appointment of bargaining team members by the AEC from the pool of National Bargaining Conference delegates or in consultation with the Component, will be based on the need to ensure equity, geographic, linguistic and/or occupational group diversity and to ensure the adequate representation of women.
- 3.9.3 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.
- 3.9.4 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.
- 3.9.5 The National President and/or the AEC may appoint additional staff representatives to sit on the bargaining team as technical advisors who have voice but no vote.

### **3.10 Memoranda of Settlement**

- 3.10.1 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.
- 3.10.2 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.
- 3.10.3 The AEC Officer(s) or designate shall have the signing authority on any Memoranda of Settlement, Collective Agreements or Letters of Understanding.

### **3.11 Votes**

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

- 3.11.1 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 for one round of bargaining only.
- 3.11.2 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.
- 3.11.3 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.
- 3.11.4 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**

- 3.11.5 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.
- 3.11.6 Subject to the applicable legislation, strike votes shall be conducted at meetings established 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.
- 3.11.7 Subject to the applicable labour legislation, all employees in the bargaining unit may be entitled to vote in strike votes.

#### **Ratification Votes**

- 3.11.8 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.

- 3.11.9 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.
- 3.11.10 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.
- 3.11.11 An 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 Requests for deviation from this Regulation may be made by a Component President.
- 4.2 Deviation from the Regulation requires the approval of the AEC and the Component President(s) with members in the bargaining unit.

