



# Collective Bargaining Process

## Regulation 15B



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

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# **REGULATION 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.

### **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.

#### **2.2 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 and component receive the bargaining input call and assist with the distribution to bargaining unit members in the Local. The Local then receives bargaining input from the members. The Local is responsible for transmitting input received to their component

2.2.3 Locals are responsible for assisting with organizing the input from members and assist in the development of rationales.

2.2.4 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 Locals and component receive the bargaining input call and assist with the distribution to bargaining unit members.
- 2.3.2 The Component receives, reviews, amends and/or supplements, and selects the bargaining demands to be sent to 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 bargaining conferences in the manner set out in this Regulation. Delegates to bargaining conferences are responsible for supporting member mobilization throughout 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 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 the communications and mobilization strategy.

2.6.2 The SCC 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 feasible, establish Regional and/or National Bargaining Conferences.
- 2.9.3 The AEC will determine the size of bargaining teams within the parameters establishment 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.
- 2.9.8 The National President has the sole authority to interpret the PSAC Constitution and this Regulation.

## **2.10 National President**

- 2.10.1 The National President has the sole authority to authorize a strike vote and authorize or end strike action.
- 2.10.2 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 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.

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

- 3.2.1 In consultation with the Component that represent members in the bargaining units affected, where the AEC decides that Bargaining Conferences will be held, the following rules and procedures shall apply.
- 3.2.2 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.

- 3.2.3 Bargaining Conferences also present an important learning opportunity for new activists and an equally-important opportunity for all members in attendance to build solidarity.
- 3.2.4 Delegates chosen to attend Bargaining Conferences must be members of the bargaining unit and 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.
- 3.2.5 Members of the NBoD and other full time elected officers 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.

### **3.3 Conferences**

- 3.3.1 Where timelines permit Bargaining Conferences shall be held at a time and location to be determined by the AEC in consultation with the CBC of the NBOD and the Component President.
- 3.3.2 The number of conference delegates shall be determined by the AEC in consultation with the Component President.
- 3.3.3 The AEC may add delegates from among equity group members (i.e. Women, Aboriginal peoples, Racialized Workers, Gay/Lesbian/Bisexual/Trans, Members with Disabilities); and additional young worker delegates if there is a need to address their representation at Bargaining Conferences.
- 3.3.4 Bargaining Conferences will be chaired by the AEC Officer assigned to the Bargaining Unit or another NBOD member as designated by the National President. Where Bargaining Conferences are co-located, sessions involving more than one region may be chaired by may be chaired by AEC Officer(s) assigned responsibility for collective bargaining or another NBOD member as designated by the National President.
- 3.3.5 Bargaining Conference Agendas will be reviewed and approved by the appropriate AEC Officer(s) or another NBOD member as designated by the national president and may vary from round to round. However, in all cases, the conference will include an opportunity for the delegates to: review the bargaining proposals, establish bargaining priorities, develop mobilization strategies and elect bargaining teams. The bargaining team election shall occur no later than the first item of business on the last day of the bargaining conference.



## **3.4 Bargaining Teams**

### **General**

- 3.4.1 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.
- 3.4.2 Bargaining team members are required to attend all bargaining sessions and failure to do so could result in removal from the team.
- 3.4.3 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.
- 3.4.4 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.
- 3.4.5 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**

- 3.4.6 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.
- 3.4.7 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.

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

- 3.5.1 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.
- 3.5.2 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.

- 3.5.3 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.

### **3.6 Memoranda of Settlement**

- 3.6.1 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.
- 3.6.2 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.
- 3.6.3 The AEC Officer(s) or designate shall have the signing authority on any Memoranda of Settlement, Collective Agreements or Letters of Understanding.

### **3.7 Votes**

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

- 3.7.1 Where legislation permits, all bargaining units shall use conciliation/strike as the default dispute resolution process. Requests to change the route to arbitration can be submitted as outlined below and, if approved, shall be for one round of bargaining only.
- 3.7.2 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 as per article 2.4.4.
- 3.7.3 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**

- 3.7.4 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.
- 3.7.5 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.

- 3.7.6 Where required by legislation, all employees in the bargaining unit may be entitled to vote in strike votes.

### **Ratification Votes**

- 3.7.7 Meetings shall be conducted for the purpose of explaining the terms of the tentative agreement, except where the isolated nature of the worksite or shift schedules require alternative means of informing the membership prior to a vote. Members may either vote in these meetings or through other means as established by the AEC in consultation with the component.
- 3.7.8 Eligibility for voting shall be in accordance with the Administrative Guidelines.
- 3.7.9 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 in the bargaining unit has been cast in favour of accepting a proposed collective agreement, excluding spoiled ballots.

## **4. DEVIATION FROM THE REGULATION**

- 4.1 Requests for deviation from this Regulation may be made by the CBC of the NBOD or a Component President.
- 4.2 Deviation from the Regulation requires the approval of the AEC and the Component President.