

**Section 18 - Negotiations**  
**18.4 - CAAT (Support) Negotiations Procedures**

Purpose and Structure of the Division

- 1.1 The CAAT Support Division consists of the employees in the community college support staff bargaining unit(s) represented by OPSEU. Only OPSEU members in good standing may take part in the activities of the Division, although by law all employees in the unit may vote on collective agreements negotiated for them by the Union.
- 1.2 The Division is a ministry division, established by Article 21.2 of the OPSEU constitution. It is funded by Head Office for the purpose of collective bargaining and matters arising from, or related to, collective bargaining. It exercises its mandate within the terms of Article 21.2.3 of the Constitution.
- 1.3 The Division is a bilingual division, representing members at Anglophone and Francophone colleges. All communications distributed in writing to divisional delegates at or in preparation for provincial meetings shall be made simultaneously available in English and French.
- 1.4 The Division carries out its mandate through:
  - (a) local demand-setting meetings
  - (b) final demand-setting meetings of local delegates
  - (c) a negotiating team hereinafter referred to as the “Team and EERC elected at each Pre-bargaining Conference”.
  - (d) a DIVEX Committee elected at each final demand-setting meeting.
  - (e) standing committees, elected at each final demand-setting meeting and responsible to the membership through the DIVEX
  - (f) any other meeting of the division
- 1.5 The Team shall act as a negotiating team with respect to all matters arising out of the collective agreement with the employer. The EERC shall act with respect to all matters arising out of the collective agreement during its term, and other matters affecting the bargaining interests of the members.
- 1.6 The DIVEX shall act on behalf of the division in representing its goals and objectives in responding to workplace cutbacks, pension changes, legislative changes, organizing campaigns, etc. Its decisions and actions in its role as the DIVEX shall be subject to direction or approval by the delegates to divisional meetings.
- 1.7 A vacancy in the chairperson position shall be filled by the vice-chair. A vice-chair vacancy shall be filled by a majority vote of the committee members. Vacancies on the committee shall be filled by alternates in sequential order.

That “Where no alternate exist to fill the vacancy, the DIVEX will appoint a member to the position until:

- a) A regularly scheduled Divisional meeting is held, or;

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- b) An emergency Colleges of Applied Arts and Technology Support meeting can be held where delegates for a Colleges of Applied Arts and Technology Support meeting are already in attendance, all elections at the emergency meeting shall be governed as set out under Sections 6.2-6.5
- 1.8 If a committee member is absent for or plans to be absent during the term of office, alternates shall be called upon to fill such absences temporarily in ranking order, where reasonable notice is given.
- 1.9 No member(s) of the CAAT Support Division or elected or non-elected OPSEU representative shall meet with the employer, government or their agents to discuss or reach a tentative agreement on specific amendments, extensions or any changes to the terms and conditions of the Support Staff Collective Agreement, outside of the normal bargaining process outlined in these procedures, without first obtaining authorization to meet from a majority vote of all CAATS members.

The Pre-Bargaining Conference (PBC)

- 2.1 Prior to the official notification to bargain a new Collective Agreement being given, the outgoing Team, in consultation with the President, shall convene a Pre-Bargaining conference (PBC).
- 2.2 Each local of the division shall send delegates according to the formula laid down in Article 13.4(a) of the constitution. The local president (or in his/her absence, the next highest ranking officer) shall be the automatic first delegate. All other delegates shall be elected by a clear majority of the members voting at a general membership meeting of the local. In a composite local, only members from the CAAT Support unit are entitled to be delegates and where neither the local president nor vice-president of a local is from CAAT Support, the automatic first delegate shall be the highest-ranking CAAT Support person elected, and should no officers exist, then the LEC will hold an election to determine the ranking.

Delegates shall be responsible for representing their local during the entire bargaining process, including responsibility for reading, reviewing, summarizing and communicating bargaining information at the local level.

- 2.3 Each local shall also elect alternates up to the number of delegates to which it is entitled and may send observers up to the number of delegates to which it is entitled. Attendance by alternates/observers at the PBC shall be at the expense of their local, except where an alternate is replacing a delegate who is unable to attend. They shall have voice but no vote, and shall be identified separately from the delegates (unless the alternate is replacing a delegate in which case the alternate will then have full delegate status).

The delegates and alternates to the Pre-Bargaining Conference and the Final Demand Setting meeting, except in extenuating circumstances, shall be the same delegates/alternates for both meetings.

- 2.4 The Team and DIVEX shall also be delegates in their own right, in addition to their local delegate entitlement as determined by Art. 13.4(a) of the Constitution.
- 2.5 Union staff, as assigned by the President, shall also participate with voice but no vote.

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- 2.6 The purpose of the PBC shall be to examine in depth a number of broadly-based issues that are relevant to the forthcoming round of negotiations, develop themes for consideration at local demand-setting meetings, and, generally, give guidance and a sense of direction to the delegates.
- 2.7 An Executive Board member who is a member of the CAAT Support Division may attend with voice but no vote unless he/she is a delegate in his/her own right by virtue of being a delegate from his/her local or is a member of the Team or DIVEX.
- 2.8 The PBC shall be chaired by the President of the Union or his/her designee.
- 2.9 The delegates shall elect (in accordance with Article 6) seven (7) members and alternates to the Team, one of whom shall be elected by the delegates to be chairperson, and one to be elected as vice-chair.
- 2.10 The delegates shall elect Five (5) delegates to form the Employee/Employer Relations Committee (EERC): three (3) to be elected from nominees from the new Team, and two to be elected at large. The terms of reference for the EERC shall be as negotiated between the Union and the employer.

Local Demand-Setting

- 3.1 Following the PBC, the president and next ranking officer, or the highest ranking CAAT Support person from a composite local, shall be notified to convene a local membership meeting for the purpose of setting bargaining proposals and establishing priorities.
- 3.2 With that notice there shall be an information kit, written in plain language and containing, among other things: - a copy of these procedures; - instructions on how and when to hold the meetings; background information on the economic and political context of the forthcoming negotiations, as appropriate; forms on which to record proposals (with supporting documentation); a summary of the recommendations from the PBC; Delegate/alternate credentials
- 3.3 If the Local's delegate(s) to the PBC are not among the two top local officers mentioned in 3.1 above, such delegate(s) shall also receive a copy of the kit. It is the responsibility of the delegate(s) and local officers to bring the results of the PBC before the members at the local demand-setting meeting for their information and consideration.
- 3.4 Normally, proposals shall be presented in person by the members attending the local demand-setting meeting. However, proposals and supporting documentation may be submitted in writing, to the Chair of the meeting, in advance, by members unable to attend.
- 3.5 The only proposals that will be considered official are those that are adopted by majority vote of the local membership meeting, entered on the appropriate forms, signed by two local officers to show they are the local's official proposals, and sent with supporting documentation to arrive at the Collective Bargaining Department at OPSEU Head Office by a date to be determined by the Team and the Collective Bargaining Department.
- 3.6 Delegate/Alternate credentials for those attending the final demand-setting meeting shall be included with the proposals sent to Head Office to provide sufficient accommodation, seating, documents and other materials for the delegates and alternates.



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Committee Proposals

- 4.1 The DIVEX Committee, Team and all other standing committees elected by the Division may also submit bargaining proposals provided that the proposals are adopted by majority vote at a Committee meeting where there is a quorum of members present, entered on the appropriate forms, signed by two committee members including the chair or vice chair to show they are the committee's official proposals, and sent with supporting documentation to arrive at the Collective Bargaining Department at OPSEU Head Office by a date to be determined by the team and the Collective Bargaining Department.
- 4.2 The Team may also accept proposals from Standing Committees elected by the Division after the date determined by the Team and the Collective Bargaining Department, provided such proposals concern events or issues that were unforeseen prior to this date and critical to the union's representation of the Division.

Final Demand-Setting

- 5.1 Bargaining proposals that meet the requirements set out in 3.5 above shall be compiled into kits for the final demand-setting meeting. The kits shall be prepared with input from the current Team and from union staff, and may include recommendations. Head Office shall endeavour to mail out the kits so that they will reach the delegates at least one (1) week before the meeting.
- 5.2 Notice to bargain shall be given to the employer as provided by law.
- 5.3 On a weekend determined by the Team, a final demand-setting meeting shall be convened. A proposed agenda shall be developed by the Team and voted on by the delegates at the start of the meeting.
- 5.4 The delegates shall discuss and adopt their final demands. For the purpose of group discussion, a staff member shall be permitted to guide the discussion.
- 5.5 An Executive Board Member who is a member of the CAAT Support Division may attend with voice but no vote unless he/she is a delegate in his/her own right by virtue of being a delegate from his/her local or is a member of the Team or DivEx and shall be included in the mailout.  
(Convention May 6-9, 2015)
- 5.6 The delegates shall elect members and alternates to the following standing committees:
  - a) Joint Insurance Committee (JIC)  
Four (4) to be elected, one of whom shall be elected by the delegates to be chairperson and one of whom shall be elected as vice-chair. The terms of reference for the JIC shall be negotiated between the Union and the employer.
  - b) CAAT Pension Plan Representatives  
Two (2) trustees and one (1) sponsor to be elected.

If an elected Trustee or Sponsor of the CAAT Pension Plan knows that they are planning on terminating or retiring from employment with the college and therefore their elected

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position with the CAAT Pension Plan, they will notify their Divisional Executive representative and the OPSEU staff person assigned to the plan preferably up to one year prior to, and that OPSEU staff person will notify the 1<sup>st</sup> Alternate and arrange for them to be invited and included as an Observer for any meetings prior to the scheduled departure of the elected Trustee or Sponsor and that OPSEU will include all Alternates of the CAAT Pension Plan in education that is provided by the Union to allow Alternates the opportunity to gain knowledge and information about information about their potential responsibilities.

(Convention May 6-9, 2015)

- c) **Grievance Scheduling Committee (GSC)**  
Three (3) to be elected, one of whom shall be elected by the delegates to be chairperson and one to be elected as vice-chair. The terms of reference for the GSC shall be as negotiated between the Union and the employer.
- d) **Joint Classification Committee (JCC)**  
Four (4) to be elected, one of whom shall be elected by the delegates to be chairperson and one to be elected as vice-chair. The terms of reference for the JCC shall be as negotiated between the Union and the employer.
- e) **Divisional Executive (DIVEX)**  
Five (5) to be elected. Three (3) shall be elected from the committees as follows. That is, the EERC (1); the Joint Insurance Committee and CAAT Pension Plan Representatives (1); the Grievance Scheduling Committee and Joint Classification Committee (1). There shall be two (2) remaining members elected at large. In the event that any of the DIVEX positions allocated to the committees remains unfilled, those positions shall also be elected at large. The delegates shall then elect from among the five (5) persons on the DIVEX, a chair person and a vice chair-person.

- 5.7 Immediately following the elections of the standing committees, the Delegates shall elect 4 mobilizers for the term of the bargaining process in the following manner;  
Region 1 and 2 Delegates shall nominate and elect one mobilizer and one alternate mobilizer;  
Region 3 and 4 Delegates shall nominate and elect one mobilizer and one alternate mobilizer  
Region 5 Delegates shall nominate and elect one mobilizer and one alternate mobilizer  
Region 6 and 7 Delegates shall nominate and elect one mobilizer and one alternate mobilizer.  
(Convention May 6-9, 2015)

Elections, Quorum, Majority and Plurality

- 6.1 The quorum for all provincial meetings referred to in these procedures shall be fifty (50%) per cent of the delegates who have registered for the meeting in question, in accordance with Convention procedures.
- 6.2 All Divisional committee members, chairs and vice chairs shall be elected by a majority (more than fifty per cent) of those present and voting. Committee alternates shall be elected on the basis of plurality and ranked accordingly.
- 6.3 For any local demand-setting and/or CAAT Support unit membership meeting the quorum shall be as per the Constitution.
- 6.4 Any member in good standing may stand for election to the Team, EERC, DIVEX or any



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standing committee regardless of whether or not he/she is a delegate to the Pre Bargaining Conference and Final Demand Set Meetings provided there is a nomination received in writing. The nomination must state the name of the committee for which the nominee is standing, the position for which the nominee is standing, and the nominee's agreement to stand for that position, and must be signed and dated by both the nominator and the nominee and in the hands of the person chairing the meeting prior to the election taking place. Nominations for all committees may also be made from the floor.

- 6.5 At the Pre-Bargaining Conference and prior to the nominations, the Delegates will be asked to contribute questions for the committee being elected. The questions shall be put in a box. After the nominations, the nominee will be given up to three (3) minutes to address the Delegates through a speech. They will then draw a question from the box and have one (1) minute to answer the question. The question will be dropped back into the box for random redrawing by other nominees.
- Nominees not in attendance at the Pre-Bargaining Conference or Final Demand Set Meeting shall be given up to three (3) minutes for their nominator to address the Delegates about their candidacy prior to candidates in attendance at the meeting addressing the delegates.  
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- 6.6 In the election of members to the Bargaining Team, JIC, JCC and Grievance Scheduling Committee, following nominations and speeches, delegates shall first elect one nominee who has never previously been a standing member of a Divisional committee named in these procedures, provided at least one such candidate has been nominated. Delegates will then elect the remaining committee members from remaining nominees, including any who were unsuccessful in running for the position reserved for a nominee who has never previously been a standing member of a Divisional Committee. The designation of Standing Member includes elected committee members or elected alternates who have become committee members following vacancies, but does not include alternates who occasionally attend committee meetings when an elected member is absent.

- 6.7 At each Pre-Bargaining Conference, the Divisional Executive shall open nominations for one CAAT Support Staff Retiree, in receipt of a CAAT Pension and who has opted to receive CAAT Retiree Benefits, to represent CAAT Support Staff Retirees on the CAAT Retirees Joint Insurance Committee. At the same time, procedures for nomination and selection will be made available. Nominations shall remain open for a minimum of 20 working days. Following close of nominations, a Committee including at least one member each of the Divisional Executive Committee and the Joint Insurance Committee shall interview eligible candidates and appoint a representative. The term of office shall be from the close of the Final Demand Set meeting until the close of the following Final Demand set meeting.

Negotiations

- 7.1 The chairperson (or in the chairperson's absence, the vice chairperson) of the Team shall:
- a) chair all meetings of the team and meetings of the mobilizers;  
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  - b) draft negotiation reports with the team and the staff negotiator to be sent to all members

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of the bargaining unit during negotiations. Such reports shall be submitted to the Communications Department for final preparation. Negotiation reports require the signature of the Chairperson and authorization by the President of the Union;

- c) be responsible for the orderly conduct and discipline of the team and mobilizers;  
(Convention May 6-9, 2015)
  - d) explain allowable expense claims for the Team and mobilizers in light of Union policies;  
(Convention May 6-9, 2015)
  - e) countersign team expense forms for submission to the First Vice-President/Treasurer of the Union for approval;
  - f) in emergency situations, using discretion, provide food, refreshments and incidentals for the team during negotiation sessions (such expenses to be accompanied by receipts);
  - g) not make a decision regarding the employer's offer without a vote of the team.
- 7.2 The staff negotiator may lead the group's discussions while the Team is in caucus.
- 7.3 Members of staff assigned to negotiations may attend all official meetings of the team.
- 7.4 Any contract negotiated with the employer in the name of the Union shall be ratified in accordance with the Colleges Collective Bargaining Act, and signed by the President of the Union.

Divisional Meetings

- 8.1 The Division shall be entitled to one (1) meeting of delegates per year. (Delegate entitlement shall be as per 2.2, 2.3, and 2.4 above.) When a multi-year agreement is negotiated, there would be a division meeting only in the year or years which did not immediately precede a return to the bargaining table (for example, in one two-year agreement there would be a Division meeting in year one and a PBC/Division meeting in year two). In addition to the matters to be discussed by the PBC or final demand-setting meeting (as the case may be), the agenda may include items brought forward by the Team as per its mandate under 1.4 above. A separate divisional meeting may be called by the Team or DIVEX to be held in conjunction with the PBC or demand-setting meeting.
- 8.2 Where Divisional procedure changes are part of the agenda, OPSEU Head Office shall endeavor to send out the proposed divisional procedure changes one (1) week before the meeting in the most expeditious manner.

General Protocol and Team Conduct

All members of the bargaining team are reminded that they represent the Union and the membership while at the table with the employer, and are expected to govern themselves accordingly at all times.

Unless otherwise agreed, the staff negotiator speaks on behalf of the Team during negotiating sessions with the employer.

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Solidarity and Dissent

- a) As a general rule the Executive Board endorses the principle that a bargaining committee should resolve its differences internally and act in accordance with the principle of solidarity.
- b) The Executive Board endorses the view that the elected President/Treasurer of the Union, support any bargaining team and that team's recommendation to the membership.
- c) The Executive Board further states that no member of the Executive Board may publicly oppose or encourage the opponents of a bargaining team's recommendations, except as pertains to-his/her own contract.
- d) An elected bargaining committee will have full use of the Union's resources in campaigning on behalf of its recommendations to the membership on approval by the President and/or Executive Board.
- e) No member of a bargaining team who signs a memorandum of agreement may under any circumstances oppose that memorandum in whole, or in part.
- f) No facility, monies or staff of the central Union shall in any way be used by, or made available to persons disagreeing with the recommendations of a bargaining team. This constraint does not apply to Locals, which are free to use their resources to engage fully in debate on a proposed collective agreement, and which shall be given, upon request, a mailing list of all members in the bargaining category.
- g) Debate on the merits of a proposed agreement shall not include attacks on personalities. This applies to: OPSEU News, written and verbal presentations of both bargaining teams and those opposing a team's position.
- h) The report of the negotiating team shall allow for a dissenting report from one or more members of the team so that the membership can constructively decide the merits of a contract, having been given all information and opinions.
- i) Once elected, the members of a bargaining team may be removed by their electors.

EXPLANATORY NOTE: The principles of the General Protocol and Team Conduct rules, above apply equally to all committees, the necessary changes being made.