

Section 18 - Negotiations

18. - College Support Part-Time Negotiations Procedures

Purpose and Structure of the Division

- 1.1 The College Support Part-Time Division consists of the employees in the community college bargaining unit who are support staff employed for 24 hours per week or less and those employed in a Project of a Non-Recurring Nature 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 and Sector Division, established by Article 21.2 of the OPSEU Constitution. It is funded by OPSEU 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
 - d) a DIVEX Committee
 - 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 during the negotiation process up to and including the editing of the agreement. 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 province wide workplace cutbacks, legislative changes, 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, in the interim by a majority vote of the committee members, until such time as the delegates to a duly constituted meeting shall have the opportunity to vote. Vacancies on the committee shall be filled by alternates in sequential order. Where no alternate exists to fill the vacancy, the DIVEX will appoint a member to the position until:

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- a) A regularly scheduled Divisional meeting is held, or;
- b) An emergency College Support Part-Time meeting can be held where delegates for a College Support Part-Time meeting are already in attendance. All elections at the emergency meeting shall be governed as set out under Sections 6.2-6.5.

The Pre-Bargaining Conference

- 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.
- 2.2 Only members from the College Support Part-Time unit are entitled to be delegates. Where neither the Local President nor Vice-President of a local is from the College Support Part-Time unit, the automatic first delegate shall be the Highest Ranking College Support Steward elected, and should no officers exist, then the LEC will hold an election to determine the ranking.

Each local of the Division shall send unit delegates according to the formula laid down in Article 13.4(a) of the Constitution.

- a) The Highest Ranking Steward or Officer of the Unit (or in their absence, the next Highest Ranking Steward or 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 unit.
- b) If there is no Part-Time member elected as a delegate, the Full-Time College Support President or Vice-President of the local may attend with voice but no voting delegate status. They shall attend for the purpose of sharing information.

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 Pre-Bargaining Conference 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).
- 2.4 The Team and DIVEX shall also be delegates in their own right, in addition to their local delegate entitlement as determined by Article 13.4(a) of the Constitution.
- 2.5 Union staff, as assigned by the President, shall also participate with voice but no vote.
- 2.6 The purpose of the Pre-Bargaining Conference shall be to examine in depth a number of broadly-based issues that are relevant to the forthcoming round of negotiations, develop themes for

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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 College Support Part-Time Division may attend with voice but no vote unless they are a delegate in their own right by virtue of being a delegate from their local or are a member of the Team or DIVEX.

2.8 Election of Members to the Bargaining Team

The delegates shall elect, in accordance with Article 6, seven (7) members and fourteen (14) alternates to the Team, one (1) of whom shall be elected by the delegates to be the Chairperson, and one (1) to be elected as Vice-Chair.

2.9 Election of Members to the Employee/Employer Relations Committee

The delegates shall elect, five (5) members and ten (10) alternates to form the Employee/Employer Relations Committee, three (3) to be elected from the new Team and two (2) elected at large, one (1) of whom shall be elected by the delegates to be the Chairperson, and one (1) to be elected as Vice-Chair.

Local Demand-Setting

- 3.1 Following the Pre-Bargaining Conference, the Highest Ranking College Support Part-Time Steward shall be notified to convene a unit 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 Pre-Bargaining Conference; delegate/alternate credentials for the Final Demand Set Meeting.
- 3.3 If the Local's delegate(s) to the Pre-Bargaining Conference are not among the two (2) top local officers, such delegate(s) shall also receive a copy of the kit. It is the responsibility of the delegate(s) and Highest Ranking College Support Part-Time Steward to bring the recommendations from the Pre-Bargaining Conference to the members at the Unit 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 unit membership meeting, entered on the appropriate forms, signed by two (2) 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.

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- 3.6 Delegate/alternate credentials for those attending the final demand-setting meeting shall be included with the proposals sent to OPSEU Head Office to provide sufficient accommodation, seating, documents and other materials for the delegates and alternates.

Committee Proposals

- 4.1 The DIVEX Committee, Team and any 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/EERC 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 EERC and from union staff, and may include recommendations. OPSEU Head Office shall endeavor to email 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. The first day of the agenda will consist of voting on bargaining demands, followed by the election of members to the teams and committees.
- 5.4 The delegates shall discuss and adopt their final demands.
- 5.5 An Executive Board Member who is a member of the College Support Part-Time Division may attend with voice but no vote unless they are a delegate in their own right by virtue of being a delegate from their local or are a member of the Team or DivEx and shall be included in the mail out.
- 5.6 The delegates shall elect five (5) members and ten (10) alternates to the Divisional Executive Committee, one (1) of whom shall be elected by the delegates to be the Chairperson, and one (1) to be elected as Vice-Chair. Every effort shall be made to include a student worker on each committee.

Improving the wages and working conditions of members is not limited to the negotiation of new collective agreements. Contract enforcement is a vital part of the union's work. In addition, issues

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may arise that are not covered by the collective agreement (e.g., shift schedules, local details of compressed work week arrangements, and so on). It is the job of OPSEU's Union College Committees to enforce the collective agreement, help identify needed improvements, deal with special cases and negotiate with the employer on issues outside the scope of the existing contract.

In negotiations with the employer, Employee Relations Committees may not propose or agree to any measures that conflict with the collective agreement.

Elections, Quorum, Majority and Plurality

- 6.1 The quorum for all provincial meetings referred to in these procedures shall be fifty percent (50%) 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 (i.e. more than fifty percent) of those present and voting. Nominees in attendance shall be given up to three (3) minutes to address the delegates about their candidacy. Nominees who are unable to attend the provincial demand-setting meeting may have their speech read by a delegate or alternate who is in attendance. To be elected, a member must receive fifty percent (50%) plus one (1) of the valid ballots cast. If not all members are elected on the first ballot then the candidate who receives the least votes is removed from the subsequent ballot and another vote is taken. This will be repeated until all members are elected.

Alternates will be elected on a separate ballot and ranked by plurality. They will fill permanent vacancies that may occur on the Team during their term of office. Nominees in attendance shall be given up to one (1) minute to address the delegates about their candidacy. Nominees who are ineligible or unable to attend the provincial demand set meeting may have their speech read by a delegate or alternate who is in attendance.

- 6.3 For any local demand-setting and/or College Support Part-Time 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 standing committee regardless of whether or not they are a delegate to the Final Demand Set Meeting 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 In the election of members to the DIVEX and Bargaining Team, following nominations and speeches, delegates shall first elect one nominee who has self-identified as a student worker, provided at least one (1) 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 self-identified as a student worker.

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- 7.1 The Chairperson (or in the Chairperson's absence, the Vice-Chairperson) of the Team shall:
- a) chair all meetings of the Team;
 - b) draft negotiation reports with the Team and the staff Negotiator to be sent to all members 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 of the Team;
 - d) explain allowable expense claims for the Team in light of Union policies;
 - e) 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 (e.g. in one two-year agreement there would be a Division meeting in year one and a Bargaining Meeting/Division meeting in year two). In addition to the matters to be discussed by the Bargaining Meeting or final demand-setting meeting (as the case may be), the agenda may include items brought forward by the Team/EERC 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 Pre-Bargaining Conference 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 and First Vice-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, if available.
- g) Debate on the merits of a proposed agreement shall not include attacks on personalities. This applies to 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 (1) 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.