

# HOSPITAL PROFESSIONALS DIVISION NEGOTIATIONS PROCEDURES

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# HOSPITAL PROFESSIONALS DIVISION NEGOTIATIONS PROCEDURES

## Province-wide Hospital Bargaining (Hospital Professionals Division)

### I. Purpose and Structure

- 1.1 The Hospital Professionals Division consists of OPSEU paramedical bargaining units. Only OPSEU members in good standing may take part in the activities of the Division, although by law all employees in the bargaining units have legislated rights with respect to votes conducted under the Ontario Labour Relations Act.
- 1.2 The Division is a sector 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 carries out its collective bargaining mandate through:
  - (i) a Pre-Bargaining Conference;
  - (ii) bargaining unit demand-setting meetings;
  - (iii) a provincial demand-setting meeting;
  - (iv) a Central Negotiating Team, elected at the Pre-Bargaining Conference
  - (v) a Post-Bargaining Conference
- 1.4 It is an objective of the Division that for bargaining units in central bargaining, local issues negotiations will be concluded on the date agreed to by the parties at the central level.
- 1.5 It is an objective of the Division that a new collective agreement be achieved before the current contract expires.
- 1.6 It is an objective of the Division that every bargaining unit will be a participant in central bargaining. All new bargaining units will become automatic participants in Central Bargaining, subject to the hospital joining, with the following exception: a new bargaining unit created by the transfer or merger of program(s), services(s), bargaining units or employers, as the result of an external trigger (e.g. legislation), will have the option of continuing to bargain locally if a) such new bargaining unit consists, in whole or in part, of employees that were included in a previous OPSEU bargaining unit; and b) if the existing local OPSEU Collective Agreement is deemed to be superior than the OPSEU HPD central language and attempts to negotiate protection under the Central Superior Language Article have failed.

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- 1.7 The Division also elects an Executive Committee, which has certain responsibilities for collective bargaining as set out in the procedures below. The other responsibilities of the Division Executive are outlined in the Bylaws of the Division.
- II. The Pre-Bargaining Conference
- 2.1 Prior to the giving of official notification to bargain a new collective agreement, the Division Executive, in consultation with the President and Union staff, shall convene a Pre-Bargaining Conference (PBC). The Pre-Bargaining Conference is the first stage of each round of central bargaining. It will be scheduled as early as possible to help achieve the objective of negotiating new central provisions before the current language expires.
- 2.2 The purposes of the PBC shall be:
- i) to promote the achievement and maintenance of the highest province-wide standards and to educate Division bargaining units on the province-wide bargaining process;
  - ii) to examine in depth a number of broadly-based issues that are relevant to the forthcoming round of negotiations;
  - iii) to develop themes for consideration at bargaining unit demand-setting meetings;
  - iv) to identify priority issues; and
  - v) generally to provide guidance and recommendations to Division members for bargaining unit demand-setting meetings. Bargaining Units will be free to add to or subtract from the recommended options.
  - vi) to elect the Central Negotiating Team and Alternates
- 2.3 Each Division bargaining unit shall be entitled to send two (2) delegates to the PBC and provincial demand-setting meeting. (They shall be, except in extenuating circumstances, the same two delegates). Where the bargaining unit is a single-unit Local, the Local President (or in their absence, the Local Vice-President) shall be the automatic first delegate. For all other bargaining units, the highest-ranking officer in the unit shall be the automatic first delegate. The second delegate shall be elected by greater than fifty per cent (50%) of the valid ballots cast of the members voting at a general membership meeting of the Unit. In the event that the officers entitled to be automatic first delegate are unable to attend the provincial demand-setting meeting, then both delegates shall be elected. Delegates must be members of the bargaining unit that they are representing at the demand set.

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Delegates to both meetings shall be responsible for representing their Unit during the bargaining process, including responsibility for reading, reviewing, summarizing and communicating bargaining information at the Bargaining Unit level.

- 2.4 a) The call for delegates for the PBC will include:
- a copy of these Negotiation Procedures;
  - registration and accommodation forms for the PBC
  - a bargaining survey
- b) Bargaining Units that are not currently participating in central bargaining will be provided with information about the Superior Provisions process in the Central Language and of the process for joining Central Bargaining and are encouraged to follow these processes as quickly as possible.
- 2.5 The Division Executive, in consultation with union staff, will develop material to be used by Bargaining Units, if they so desire, to help members focus more clearly on issues and priorities at their Bargaining Unit demand-setting meeting. Such material shall be presented to the delegates at the PBC.
- 2.6 Any member of the Division Executive or Central Negotiating Team who is not entitled to attend the PBC under Section 2.3 above shall also be entitled to attend with full delegate status.
- 2.7 Union staff, as assigned by the President, shall also participate with voice but no vote.
- 2.8 An Executive Board member who is a member of the Division may attend with voice but no vote, unless the Executive Board member is a delegate from a Member Unit.
- 2.9 The PBC shall be chaired by the Division Chair. For the purpose of allowing the Chair to participate in the debate and during the election of the Central Negotiating Team, A staff member will be in the Chair.
- III. Bargaining Unit Demand-Setting
- 3.1 Following the PBC, the Union shall notify each Bargaining Unit to advise them to convene Bargaining Unit meeting of the membership for the following purposes:
- (i) To vote as to whether or not the bargaining unit will enter into Central bargaining;
  - (ii) To discuss and formulate province-wide demands;

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- (iii) To formulate local demands.
  - (iv) To elect its local negotiating team.
- 3.2 There shall be an information kit sent with the notice from Head Office. It shall contain, among other things:
- instructions on how to hold the meetings;
  - the time frames for Bargaining Unit and Provincial demand-setting meetings;
  - the report of the PBC meeting, and HPD Executive Recommendations on Province-wide Priorities;
  - background information on the economic and political context of the forthcoming negotiations, as appropriate;
  - forms on which to record proposals and priorities for province-wide bargaining;
  - registration and accommodation forms for the Provincial demand-setting meeting.
  - OPSEU motion form
- 3.3 The duty of local leaders is to maximize ownership and participation by the members in the demand-setting process. It is the responsibility of the PBC delegates and local officers to bring the results of the PBC before the members at the Bargaining Unit demand-setting meeting for their information and consideration.
- 3.4 Bargaining Units are required to identify and rank their top priorities, using the guidance provided by the PBC. They must also provide a rationale and supporting documentation, if any, for any province-wide proposals.
- 3.5 Normally, proposals shall be presented in person by the members attending the Bargaining Unit meeting. However, proposals and supporting documentation may be submitted in writing, to the Chair of the meeting, in advance, by members unable to attend.
- 3.6 The results of the Bargaining Unit demand-setting meeting shall be forwarded to Head Office by a date to be determined by the union. The information required includes:
- i) if the unit has, or has not, opted for Central bargaining; and

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- ii) registration and accommodation forms for the delegates attending the provincial demand-setting meeting.
  - iii) the province-wide demands from the Bargaining Unit, if any, (with rationale and supporting documentation);
  - iv) the local demands for units that are participating in Central bargaining.
- 3.7 The only province-wide proposals that will be considered official are those that are adopted by majority vote at the Bargaining Unit membership meeting, entered on the appropriate forms and signed by two (2) local officers to show that they are the Bargaining Unit's official proposals.
- 3.8 Any province-wide proposal received at Head Office after the date established in article 3.6, will not be included in the province-wide demand summary book.
- IV. Provincial Demand-Setting Meeting
- 4.1 A provincial demand-setting meeting will be called at Toronto as soon after the Pre-bargaining Conference as is practical, and will be attended by the delegates elected as per Section 2.3 above or duly elected by the bargaining unit. It will be chaired by the Division Chair. For the purpose of allowing the Chair to participate in the debate, a staff member will be in the chair.
- 4.2 Any member of the Division Executive and the Central Negotiating Team who is not entitled to attend the provincial demand-setting meeting under Section 2.3 above shall also be entitled to attend with voice but no vote and will have their expenses paid by OPSEU.
- 4.3 Union staff, as assigned by the President, shall also participate with voice but no vote.
- 4.4 An Executive Board member who is a member of the Division may attend with voice but no vote, unless the Executive Board member is a delegate from a Member Bargaining Unit.
- 4.5 The delegates will be provided with a kit that contains the province-wide demands submitted, as well as research material and input from staff. The kits shall be mailed from Head Office so as to reach the delegates at least one (1) week before the meeting.
- 4.6 The Chair shall allocate the time of the meeting to ensure, as far as possible, that all proposals are discussed and dealt with. Decisions will be made by majority vote. Except in unforeseen circumstances, any proposal not duly passed and submitted

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by a bargaining unit on time cannot be submitted from the floor. Decisions on what constitutes “unforeseen circumstances” will be made by the Division Executive.

- 4.7 Except in unforeseen circumstances, only those proposals adopted by the provincial demand-setting meeting or mandated by the union will be presented to the employer. In unforeseen circumstances, such as legislative changes or significant events occurring after the provincial demand-setting meeting, the Negotiating Team may formulate proposals. In addition, the Negotiating Team may respond to employer initiatives with new proposals.
- 4.8 Bargaining Units that are not participating in Central bargaining will be encouraged to table the province-wide demands at their local tables.
- 4.9 A report on the provincial demand-setting meeting will be sent to all bargaining units in the Division as soon as is practical.

### V. Central Negotiating Team

- 5.1 (a) The seven (7) member Central Negotiating Team and three (3) alternates shall be elected at the Pre-Bargaining Conference. Members from all classifications are encouraged to run for the team.
- (b) Any member in good standing may stand for the Central Negotiating Team or as alternate, regardless of whether or not the member is a delegate. Nominations may be received from the floor or in writing. A nomination in writing, signed and dated by the nominator and nominee, must be received by the Division Chair, prior to the election taking place. In order to be eligible to be elected to the Central Negotiating Team or as an alternate, the Bargaining Unit to which the member belongs must be participating in the central bargaining process. For new centrally-participating bargaining units, both parties must have opted in via a signed Superior Conditions agreement.
- (c) Only delegates from units that are participating in central bargaining may nominate and vote for the members of the Central Negotiating Team.
- (d) To be elected, a member must receive greater than fifty per cent (50%) 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 seven (7) members are elected. Nominees in attendance shall be given up to three (3) minutes to address the delegates about their candidacy. Nominees who are or unable to attend the Pre-Bargaining Conference may have their speech read by a delegate or alternate who is in attendance.
- (e) Three (3) alternates will be elected on a separate ballot and ranked by plurality. They will fill permanent vacancies that may occur on the Team

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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 Pre-Bargaining Conference may have their speech read by a delegate or alternate who is in attendance.

- 5.2 The Central Negotiating Team shall be provided with a copy of this guideline and shall meet prior to actual negotiations. The purpose of this meeting is:
- i) orientation in the Union's aspects of collective bargaining, including information about the Union's policy on travel advances, allowable expenses, team conduct, solidarity and dissent, etc.;
  - ii) development of the team's bargaining strategy; and
  - iii) election of a Chair and Vice-Chair.
- 5.3 The Chair of the Central Negotiating Team shall:
- i) chair all meetings of the team and report when appropriate to the Board and the Division Executive
  - ii) be responsible for the orderly conduct and discipline of the team;
  - iii) work with the Team and the Central Negotiator on all documents related to central bargaining. Bargaining updates will be submitted to the Communications Department for final preparation;
  - iv) be booked off as necessary to assist with the process;
  - v) sit as a member of the Division Executive.
- 5.4 In the absence of the Chair, the Vice-Chair shall assume the Chair's duties.
- 5.5 In emergency situations, the Chair of the Central Negotiating Team shall, using discretion, provide food and refreshments and incidentals for the team during negotiation sessions. Such expenses shall be accompanied by receipts.
- 5.6 The Central Negotiating Team is at all times accountable to the membership.
- 5.7 Central bargaining will commence as soon after the provincial demand set meeting as possible. The Central Negotiating Team shall determine the method of bargaining.
- 5.8 Decisions of the team shall be taken in as informal and consensual a manner as possible. However, where consensus cannot be achieved, and after all team



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members have had an opportunity to express their views, the team shall decide the matter by vote.

- 5.9 The team is governed by the Union's policy on Solidarity and Dissent. Team members shall maintain public solidarity while bargaining is in progress. However, a member who dissents from a proposed collective agreement shall have the right to include a written dissent in the negotiation bulletin that explains and recommends the settlement to the members.
- 5.10 Staff assigned to the central negotiations shall attend all meetings of the Central Negotiating Team. The staff negotiator speaks on behalf of the team during negotiating sessions with the employer.
- 5.11 A caucus room shall be provided for the purpose of the consideration of the negotiating of issues. The negotiator will lead the group's discussion.
- 5.12 Whenever possible, Central negotiations shall be conducted on neutral ground, i.e., hotel meeting rooms or similar accommodation. Such cost will be equally shared with the Employer.
- 5.13 The Central Negotiating Team shall have an ongoing advisory role on bargaining issues for the Division Executive and shall assist in the planning for the next round of bargaining.
- 5.14 The Central Negotiating Team shall meet as soon as possible after a Memorandum of Settlement has been reached or a Central Interest Arbitration Award received to hold a debriefing session on the round, discuss enforcement issues and prepare the Report from the Team Chair.

### VI. Ratification Procedure

- 6.1 The nature of central hospital bargaining is the gathering together of a number of individual bargaining units (each having a separate certificate from the OLRB) for the purpose of bargaining common goals. Therefore, when the Central Negotiating Team reaches a tentative settlement and signs a memorandum of settlement, each of the individual bargaining units involved in province-wide bargaining must separately ratify the terms of the memorandum of settlement. Therefore a separate ratification meeting must be held for each bargaining unit within thirty (30) days of the settlement.
- 6.2 As soon as possible following a settlement, the necessary and appropriate union staff members will be convened for a briefing session by the central negotiator. Head Office will distribute enough copies of the Memorandum of Settlement to Regional Offices so that the Regional Offices can arrange distribution of it to every affected member. The staff will be expected to transmit faithfully the explanation

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- and the positions of the team at least one (1) week in advance of the ratification meeting.
- 6.3 Local leaders make arrangements for the times and places of ratification meetings and notify the central negotiator accordingly. The arrangements must be made in concert with the Staff Representative, who is responsible for conducting the meeting.
- 6.4 Local leaders will send out notice of the meetings, with a complete list of voting times and places, to all members eligible to vote on the contract in question. Meetings may be held separately from voting.
- 6.5 Identification will be checked and only bargaining unit employees will be allowed to attend the meeting and vote.
- 6.6 The following general principles will apply to all contract ratification procedures:
- i) A thorough explanation of any settlement, with opportunity for questions and answers, will be provided.
  - ii) No proxy votes will be allowed.
  - iii) Only bargaining unit employees may participate and vote.
  - iv) All votes will be by secret ballot, but no ballot will be rejected solely for reasons of having other marks on the ballot, including the signature of a member (because it is ~~his or her~~ **their** privilege to reveal ~~his or her~~ **their** vote rather than keep it secret.)
  - v) No copies or facsimiles of ballots will be counted.
  - vi) Ratification meetings may be chaired only by a member holding elected office in the Union in the area for which the meeting is held.
- 6.7 When the members have voted, the ballots will be counted and verified, the members made aware of the results, and all ballots (used, unused and spoiled) shall be taken to a regional office, where they are stored for thirty (30) days. The Board will establish procedures for the handling of ballots, boxes and counting to ensure against tampering of the result.
- 6.8 The results will be transmitted to the central negotiator by fax or e-mail immediately following the count.
- 6.9 The Executive Board endorses the principle that a formula or an acceptable similar formula for contract ratification shall be established by the delegates at the provincial demand-setting meeting. The actual formula shall be negotiated with the

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employer and the ratification procedures covering this Division shall be modified accordingly. Currently, a provincial settlement is considered ratified when it has been ratified by at least two-thirds (2/3) of the participating bargaining units representing at least two-thirds (2/3) of the Union participating members.

- 6.10 Central provisions that are settled by an arbitration award do not need to be ratified by the participating bargaining units.

### VII. Signing Authority

- 7.1 Any Memorandum on central provisions negotiated in the name of the Union with an Employer and ratified by the members or settled by interest arbitration shall be signed by the Central Negotiating Team and the central negotiator.

### VIII. Post-Bargaining Conference

- 8.1 Following the ratification or arbitration award for a new collective agreement, the Division Executive, in consultation with the President and Union staff, shall convene a Post-Bargaining Conference (PTBC). The Post-Bargaining Conference is the last stage of each round of central bargaining. It will be scheduled as early as possible following the ratification or award, to help achieve the objective of communicating the new central provisions to the members of the division.

- 8.2 The purposes of the PTBC shall be:

- i) to promote the achievement and maintenance of the highest province-wide standards and to educate Division bargaining units on all changes negotiated or awarded to the central provisions in the recently concluded round of central bargaining.
- ii) to examine in depth the changes to the central provisions to assist bargaining units with implementing and enforcing new or altered central provisions.

- 8.3 Each Division bargaining unit shall be entitled to send two (2) delegates to the PTBC. Where the bargaining unit is a single-unit Local, the Local President (or in their absence, the Local Vice-President) shall be the automatic first delegate. For all other bargaining units, the highest-ranking officer in the unit shall be the automatic first delegate. The second delegate shall be elected by greater than fifty per cent (50%) of the valid ballots cast of the members voting at a general membership meeting of the Unit. In the event that the officers entitled to be automatic first delegate are unable to attend the PTBC, then both delegates shall be elected. Delegates must be members of the bargaining unit that they are representing at the demand set.

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Delegates to the PTBC shall be responsible for communicating bargaining information at the Bargaining Unit level.

- 8.4 The call for delegates for the PTBC will include:
- a copy of these Negotiation Procedures;
  - registration and accommodation forms for the PTBC
- 8.5 Any member of the Division Executive or Central Negotiating Team who is not entitled to attend the PTBC under Section 8.3 above shall also be entitled to attend with full delegate status.
- 8.6 Union staff, as assigned by the President, shall also participate with voice but no vote.
- 8.7 An Executive Board member who is a member of the Division may attend with voice but no vote, unless the Executive Board member is a delegate from a Member Unit.
- 8.8 The PTBC shall be chaired by the Chair of the Central Negotiating Committee.