

3.2 Collective Bargaining - Negotiations

6A. Ontario Public Service (OPS)

Negotiations Procedures - Correctional Bargaining Unit

Changes from the January 6, 2024 Divisional Meeting Approved by the Executive Board on February 27 & 28 2024.

6A. Ontario Public Service (OPS) Negotiations Procedures-Correctional Bargaining Unit

1 Bargaining Better Contracts

1.1 OPSEU/SEFPO's fundamental goal in collective bargaining is to improve the wages and working conditions of its members.

1.2 Collective bargaining is a continuous cycle with three main (and overlapping) phases. The enforcement phase is continuous. The demand-setting phase occurs in the year prior to negotiations. The negotiations phase extends from the election of the bargaining team to the final signing of the ratified collective agreement or date of interest arbitration award. The purpose of these Ontario Public Service (OPS) – Correctional Bargaining Unit bargaining procedures is to guide members by providing clear goals, roles, and rules for each phase of the cycle.

1.3 These procedures apply to all members in the Correctional Bargaining Unit in the OPS.

2 Roles and Structures

2.1 The members

The power to set the Union's over all bargaining agenda rests with the members at the local level. All members are expected to participate actively, through their local, in all phases of the bargaining cycle regardless of job status.

"Job status" means members' status as full time classified, regular part time classified, flexible part time, full time fixed term, part time fixed term, seasonal or student workers.

2.2 The Locals

Locals with members in the Correctional Bargaining Unit are responsible for ensuring that all affected members participate in each phase of the bargaining cycle.

2.3 Bargaining Team

2.3.1 OPSEU/SEFPO members in the OPS Correctional Bargaining Unit are represented in the negotiations phase by an elected bargaining team.

2.3.2 The Correctional Bargaining Team bargains all issues, including category issues, for all members within the bargaining unit.

2.3.3 To be elected to the OPS Correctional bargaining team, a member must have been an OPSEU/SEFPO steward or a member of a MERC/LERC/RERC/PJOHSC/DHS/JOHSC or a health and safety representative for at least six (6) months prior to their election. Any member can submit an intent to run for a position whether in attendance at the meeting or not.

2.3.4 The Correctional bargaining team shall consist of thirteen (13) members:

- Four (4) from the Correctional Officer (CO) category, including Correctional Supervisors;
- One (1) from Youth Services Officer (YSO) category;
- One (1) from Probation & Parole Officer category (PPO);
- One (1) from Probation officer category (PO)
- One (1) from Probation & Parole Officer/Probation Officer category (PPO/PO)
- One (1) from COR Institutional and Health Care category
- One (1) from COR Administrative/Office Administration/Technical/ Operational/Maintenance category;
- One (1) from COR Multi-other category;
- One (1) member at large from any category; and
- One (1) from fixed term.

*Clarity Note: COR Multi-other category includes all classifications except YSO, CO, Correctional Supervisors, PO, PPO, and classifications included in the COR Institutional and Health care, Administrative/Office Administration/Technical/Operational/maintenance categories.

2.3.5 The President of OPSEU/SEFPO or their designee is recognized as a member of all bargaining teams and shall participate in bargaining when necessary.

2.3.6 The bargaining team will elect from among its members, a Chair and a Vice-Chair.

2.3.7 The bargaining Chair shall:

- Chair all meetings of the team;
- Authorize (along with the President of OPSEU/SEFPO) all negotiation bulletins from the team to the members;
- Be responsible for the orderly conduct and discipline of the team; and
- Have a voice and vote;

In the event of a tie, the Chair shall cast the deciding vote.

2.3.8 The bargaining team Vice-Chair shall:

- assume all duties of the Chair in their absence.

In the event that the Chair resigns from the position of Chair, or from the bargaining team, the Vice-Chair shall assume role of Chair. The bargaining team will then elect, from among its members, a new Vice-Chair.

2.3.9 Elected alternates only sit on bargaining teams if the regular members is permanently unable to continue. The same rule applies to the replacement of the first alternate by the second and the second by the third.

2.3.10 Should any member of the bargaining team assume a position (temporary or full time) outside of the OPSEU/SEFPO Correctional Bargaining Unit, they will immediately forfeit their position on the bargaining team.

2.4 Employee Relations Committee

2.4.1 Improving the wages and working conditions of members is not limited to the negotiation of the new collective agreements. Contract enforcement is a vital part of the union's work. In addition, issues 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/SEFPO's Employee Relations Committees (ERC's) 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.

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

2.4.3 The two represented MERCs shall take direction from the bargaining team on issues relating to contract negotiations during the negotiations phase.

2.4.4 The role of the ERCs is further discussed in Article 16 of the OPS collective agreement, where they are referred to as "Employee Relations Committees" and Appendix COR4.

2.4.5 ERCs may continue to meet with the employer once the Notice to Bargain has been sent by either party until directed to step down by the bargaining team. Any agreements reached at an ERC meeting during bargaining must be sent to the bargaining team for approval before being signed. Notwithstanding this provision, the President of OPSEU/SEFPO has the authority to direct ERCs not to meet.

3 <u>Bargaining Timeline</u>

3.1 Introduction

3.1.1 As a general goal, OPSEU/SEFPO bargaining teams shall work to achieve a new collective agreement prior to the expiry of the existing one.

3.1.2 During demand setting and negotiations, OPSEU/SEFPO members and staff shall follow the steps outlined in the OPS Correctional bargaining timeline (Appendix 1). Where employer actions affect this timeline, staff and bargaining teams shall use their discretion to achieve goals set out in these procedures.

3.1.3 Enforcement of the collective agreement is an ongoing union activity. It happens prior to, during, and after the demand-setting and negotiations phases of the bargaining cycle.

3.1.4 Prior to the start of demand setting, all OPS locals covered by the Correctional Bargaining Unit collective agreement shall conduct a canvas of all worksites to record the number of members in each, the type of service provided to the public, the job status of members, the number of new members, the number of grievances filed in the worksite, and other information that may aid in the negotiation of the new contract.

3.2 Demand Set Process

3.2.1 As OPSEU/SEFPO is a member driven union, bargaining priorities shall be determined by members. The following process will be followed to identify the priorities of the Correctional Bargaining Unit to assist the bargaining team in determining strategy for the negotiations phase.

3.2.2 At least 12 months prior to the contract expiring, BMERC will call a virtual meeting for highest-ranking, including both MERCs, PJOHSC, and DHS. The purpose of this meeting is to gather information on the local climate and issues to prepare for the bargaining demand set survey. Presentations from staff in the Negotiations, Grievance, Benefits and Pension and Research departments will be provided. Other departments may be called to provide presentations at the request of BMERC.

3.2.3 Following the highest-ranking meeting, a survey will be created to identify the bargaining demand set priorities of the membership. The survey will be reviewed and approved by BMERC prior to distribution to members. Part of the review will include reviewing the recommendations from the previous bargaining team.

3.2.4 Once the survey is finalized and approved, all Correctional Bargaining Unit members shall be invited to participate in the online demand setting survey. In special circumstances, such as remote locations where members do not have easy access to the internet, with approval from the OPSEU/SEFPO President, surveys will be mailed to members on request. This shall occur a minimum of 8 months prior to the expiry of the contract. The survey will be open for a minimum of 4 weeks. Local presidents/highest ranking will be provided information to disseminate to their members about the survey.

3.2.5 The results of the survey will be compiled and shared with the Bargaining Team, once elected. The Bargaining Team shall disseminate the results to all members.

3.3 Special Cases

3.3.1 At least 8 months prior to expiry of the contract, the process and forms for locals to submit a Special Case shall be provided to all Correctional Bargaining Unit Locals. This shall be included in the call-out package for the Regional Bargaining Conference.

3.3.2 Special Cases must be submitted at the Local Meeting described in Section 3.4.

3.3.3 All Special Cases must be signed by two (2) Officers of the Local. This shall be captured in the minutes of the meeting. Within two (2) working days after the local meeting, locals shall forward their Credential Attestation Form, any Special Cases and minutes of the meeting to their OPSEU/SEFPO regional office.

3.4 Local Meetings

3.4.1 At least 8 months prior to the expiry of the contract, all locals with Correctional Bargaining Unit members will hold a General Membership Meeting to elect delegates to the Regional Bargaining Conference as per Convention formula for each of the following categories:

- Correctional Officer (CO) category, including Correctional Supervisors;
- Youth Services Officer (YSO) category;
- Probation and Parole Officer (PPO) category;
- Probation Officer (PO) category;
- COR Institutional and Health Care category;
- COR Administrative/Office Administration/Technical/Operational/Maintenance category;
- COR Multi-other Category (excluding YSO, CO, Correctional Supervisor, PO, PPO and classifications in other categories);
- Fixed-term (FXT) category.

Clarity Notes:

- A FXT member at the local level may vote in more than one category as long as they are may not be elected in any other category.
- A member in a temporary assignment shall only be permitted to vote and stand for election in the category of their home position in their home local.

3.4.2 Quorum for local meetings shall be as specified in Article 29.8.2 of the OPSEU/SEFPO Constitution, based on the number of OPS Corrections members in the local. Lack of quorum does not preclude holding delegate and alternate elections.

3.4.3 Members who wish to stand for election who are unable to attend the meeting must provide a signed letter confirming their willingness to stand. A copy of such letter must be included with the local minutes.

3.4.4 All delegate positions and, alternates, must be elected by a majority (more than 50 per cent of those voting) with runoff ballots if necessary.

3.4.5 Alternates must be elected separately from delegates. Where a category is entitled to more than one alternate, they shall be ranked.

3.4.6 All OPS members in the Correctional Bargaining Unit in good standing have equal rights to run for election as delegates and alternates.

3.4.7 Within two (2) working days after the local meeting, locals shall forward their Credential Attestation Form, any Special Cases and meeting minutes, to their OPSEU/SEFPO regional office. Forms must be signed by two officers of the local to be official. Local Presidents or highest-ranking member in the Corrections unit may also be given the option of submitting this information online.

3.4.8 Regional office staff will date-stamp the special case wage adjustment proposals and forward them immediately to the Research unit. No later than two (2) weeks after the last local meeting, all materials [electronic and original paper copies] shall then be sent to the Contract Negotiations Division.

3.5 Regional Correctional Bargaining Conferences

3.5.1 A Regional Correctional Bargaining Conference shall be held in each OPSEU/SEFPO region on a Saturday no later than six (6) months before the collective agreement expires.

3.5.2 Delegates to the Regional Correctional Bargaining Conference are elected at the local meetings as per convention formula. Elected alternates may attend with voice but no vote, at the expense of the local. The alternate may only replace a voting delegate if replacing the delegate permanently.

3.5.3 The highest ranking available OPS Correctional Bargaining Unit member in the region shall chair the Regional Correctional Bargaining Conference.

3.5.4 The agenda of each Regional Correctional Bargaining Conference shall include election of regional delegates and alternates from each identified category;

- Four (4) from Correctional Officer (CO), including Correctional Supervisors;
- One (1) from Youth Services Officer (YSO);
- One (1) from Probation and Parole Officer (PPO);
- One (1) from Probation Officer (PO);
- One (1) from Probation & Parole Officer/Probation Officer (PPO/PO);
- One (1) from COR Institutional and Health Care category;
- One (1) from COR Administrative/Office Administration/Technical/ Operational/Maintenance category;
- One (1) from COR Multi-other category (excluding YSO,CO, Correctional Supervisor, PO, PPO and classifications in other categories);
- One (1) from Fixed Term (FXT), and
- Up to two (2) alternates pre delegate.

* Clarity Note: At the Regional Correctional Bargaining Conference a Delegate may only vote in the category in which they were elected to at their local meeting except for the PPO/PO

category. All PO and PPO delegates shall be eligible to vote and stand for election in the PPO/PO category.

3.5.5 Regional Correctional Bargaining Conferences do not have a mandate to set demands or establish bargaining priorities.

3.5.6 All positions, including alternates, must be elected by majority vote (more than 50 per cent of those voting), If multiple delegates or alternates are elected on the same ballot, their positions will be ranked based on the total number of votes per candidate.

3.6 The Central Correctional Bargaining Conference

3.6.1 The Central Correctional Bargaining Conference shall be held in Toronto on a Saturday two (2) weeks after the Regional Correctional Bargaining Conferences.

3.6.2 Delegates to the Central Correctional Bargaining Conference are those elected at the Regional Correctional Bargaining Conferences.

3.6.3 The MERC Co-chairs shall chair the Central Correctional Bargaining Conference.

3.6.4 The agenda for the Central Correctional Bargaining Conference shall include elections of all categories identified in 2.3.4 and mobilization training in preparation for bargaining.

3.6.5 Elections at the Central Correctional Bargaining Conference follow the same rules as per 3.5.6 of the Regional Correctional Bargaining Conference**.** To be elected to the OPS Correctional bargaining team, a member must have been an OPSEU/SEFPO steward or a member of a MERC/LERC/RERC/PJOHSC/DHS/JOHSC or a health and safety representative for at least six months prior to their election. Any member can submit an intent to run for a position whether in attendance at the meeting or not.

3.6.6 All categories will meet in their respective groups to elect bargaining team members and three (3) alternates for each bargaining team member. The alternates will be ranked.

3.6.7 After the elections of category members, the conference shall reconvene to elect their member at large. And their (3) alternates.

3.6.8 The elected team shall meet to elect the Chair and Vice-Chair of the bargaining team immediately following the adjournment of the Central Correctional Bargaining Conference.

4 <u>Member Support for the Bargaining Team</u>

4.1.1 There shall be five (5) mobilizers appointed by the bargaining team. The mobilizers shall take direction from the bargaining team, through the Chair. Mobilizers shall be made available to the bargaining team as required.

4.1.2 The role of the mobilizers shall minimally include:

- To establish a contact in each Correctional Bargaining Unit local and worksite;
- To facilitate two-way communication between the membership and the bargaining team;
- To work with the bargaining team and OPSEU/SEFPO-Campaigns on any mobilizing strategy and campaigns during the negotiations phase;
- Liaising with local worksites, including on-site visits and attending local meetings as directed by the Chair.

4.1.3 An educational program will be delivered by qualified OPSEU/SEFPO staff and/or member instructors to develop local and regional mobilizing strategies.

4.1.4 Each local may form a Mobilizing Committee. The job of the committee is to assist and support the bargaining team with member mobilization through negotiation phase.

4.2 Communication

4.2.1 A strong bond of communications between the bargaining teams and the members is critical to successful negotiations. Throughout the bargaining process, the union will communicate directly withy members through a negotiations bulletin, LOCK TALK. This publication shall be produced by the bargaining team in consultation with assigned staff negotiators and communication staff. All publications shall be authorized for distribution by the team chair, the assigned staff negotiators and the President of OPSEU/SEFPO.

4.2.2 If, upon signing a tentative collective agreement, a team member dissents from the team's recommendation, the dissent will be noted in the negotiations bulletin.

4.2.3 A bargaining team email address shall be established for each round of bargaining for members to contact the bargaining team.

5 <u>Contract Bargaining</u>

5.1 Negotiations will take place in the Greater Toronto Area (GTA).

5.2 All bargaining team members shall receive specific training on bargaining strategy and the Solidarity and Dissent policy.

5.3 To achieve the best possible collective agreement, the bargaining team, working with assigned staff, shall analyze the forces working for and against the bargaining unit in the current round of bargaining. This analysis shall evaluate the strength of the OPS members in the Correctional Bargaining Unit and their allies, the employer and its allies, service users, the community, the news media, municipal and provincial politicians, current events, and so on.

5.4 The bargaining team shall begin preparing for negotiations towards a new collective agreement at least one hundred and eighty (180) days before the contract expires.

6 Ratification Votes

6.1 Any collective agreement negotiated in the name of the union with the employer must be ratified by the members and signed by the members of the team and the president of OPSEU/SEFPO. An exception to this decision by the parties to refer outstanding issues to interest arbitration. Collective agreements that are referred to interest arbitration for final resolution do not need to be ratified because the agreed issues are incorporated as part of the arbitration award.

6.2 When a tentative agreement is reached each region shall hold information/vote meetings of the affected Correctional Bargaining Unit members. The Regional Vice-President, in conjunction with the bargaining team, is responsible for calling the meetings within the time requested by the teams. All locals shall receive at least three days' notice before the meeting date.

6.3 In special circumstances such as remote locations or widely dispersed membership, the local president may ask permission to replace or supplement an information/vote meeting by a mail-in or phone-in ballot or segregated ballot to cover all or part of the bargaining unit or local. The President of OPSEU/SEFPO shall determine whether a mail-in, phone-in or segregated ballot is to be allowed in any given situation.

6.4 When a tentative collective agreement is reached by the bargaining team, team members must support the decision of the bargaining teams. Where a team member has communicated a different message than they agreed on at the time of the tentative agreement, unless they have voiced their dissent to the team(s) and the staff negotiator, they will immediately be removed from the team.

6.5 Affected OPS-Correctional Bargaining Unit members shall receive a written summary of the proposed contract changes.

6.6 The purpose of the information/vote meetings is to explain the proposed contract changes and their impact on members. The meetings shall be conducted by a knowledgeable person, e.g., a local president, a bargaining team member, an Executive Board Members, or an OPSEU/SEFPO staff member. Members shall be encouraged to ask questions and discuss the changes prior to the vote.

6.7 In the case of a vote to reject a tentative settlement the issues in dispute will be resolved as described in Section 6.17.

6.8 All votes must be cast in person; there shall be no proxy votes. All votes must be by secret ballot. Appropriate voting materials must be provided in sufficient quantities. Materials include official ballots, ballot boxes, reasonable private polling area, an up-to-date voters' list, an official tally sheet, and a supply of membership application forms.

6.9 Those conducting the vote shall ask each member for their name, check the name off the voters list, and hand the member a ballot. If the members name is not on the list, an opportunity shall be given to sign a membership application. In special circumstances such as remote locations or widely dispersed membership, the local president may ask permission to replace or supplement an information/vote meeting by mail-in or phone-in ballot or segregated ballot to cover all or

part of the bargaining unit or local. The President of OPSEU/SEFPO shall determine whether a mail-in, phone-in or segregated ballot is to be allowed in any given situation.

6.10 Non-members are entitled to vote provided they are identified by a member in good standing before being given a ballot.

6.11 When voting is complete, the ballots shall be counted by OPSEU/SEFPO staff at the Regional Office along with Correctional Bargaining Unit Local Presidents or highest ranking member in the Correctional Bargaining Unit, or their designees, as scrutineers. Scrutineers are entitled to record the local results.

6.12 The official tally sheet on which the vote is recorded for paper ballots shall clearly show the number of the local, the name of the category (if applicable), the names of the scrutineers, the number of eligible voters, the number of those who actually voted, and the number of ballots for, against, and spoiled.

613. The official tally sheet by Local shall be signed in ink by all those who took part in the ballot count. The ballots shall be retained at the Regional Office for at least 30 days.

6.14 The Regional office vote result shall be forwarded by e-mail to the Contract Negotiations Division where a tally by local will be kept.

6.15 When all results have been tabulated, they shall be communicated first to the OPSEU/SEFPO President and bargaining team, then to the regional offices and thence to the local presidents, who will ensure that the results are communicated to their members. Only the provincial results are released.

6.16 Where any member alleges that these procedures have not been followed, the President of OPSEU/SEFPO shall investigate the complaint and decide whether or not the vote shall be overturned. In making this decision, the President shall only order a new vote when, in their opinion, failure to comply with the procedures has materially affected the outcome of the vote.

6.17 In the case of a vote to reject a tentative settlement the President of OPSEU/SEFPO in conjunction with the Correctional Bargaining Team shall hold an in-person meeting with Correctional bargaining unit Local President's or next highest-ranking correctional bargaining unit member and MERC/PJOHSC/DHS members to discuss the rejected settlement and identify key issues. The bargaining team shall have the authority to go back to the table and negotiate or refer the outstanding issues in dispute to interest arbitration for final resolution. It is understood that issues that are not in dispute shall become an award in the Arbitrator's decision.

7 Interest Arbitration Process

7.1 In the event the parties fail to reach agreement on all issues for the renewal of the Corrections collective agreement, all outstanding items may be submitted to interest arbitration in accordance withy section 4 of the Crown Employees Collective Bargaining Act or such other

section that may be applicable. The final decision as to what items will be submitted to arbitration will be made by the bargaining team in consultation with the Research Unit.

7.2 The Correctional bargaining team will develop the union's position with the assistance of staff for referral to arbitration and will attend in person arbitration hearing(s).

8 Post Bargaining Process

8.1 Following the ratified agreement or an interest arbitration award being issued, the bargaining team shall hold a hybrid meeting within 30 business days or as soon as reasonably practical for all Correctional Bargaining Unit presidents or next highest-ranking Correctional Bargaining Unit member and MERC/PJOHSC/DHS members to discuss the round and agreement/award.

8.2 Following the conclusion of the round of bargaining, the bargaining team shall hold a debriefing session. A written report will be produced to be shared with the next bargaining team.

Appendix 1 – OPS-Correctional Bargaining Unit Bargaining Timeline

At least 12 months before expiry	BMERC will call a virtual meeting with highest-ranking including MERC/PJOHSC/DHS to prepare for the bargaining demand set survey.
At least 8 months before expiry	Bargaining demand set survey is sent out to all Correctional Bargaining Unit members for their participation in the demand set process. Special Case forms and process sent to all Correctional Bargaining Unit locals. Correctional Bargaining Unit locals to hold a General Membership meeting to elect delegates and alternates to the Regional Bargaining Conference.
At least 6 months before expiry	Regional Bargaining Conferences held to elect delegates and alternates to the Central Bargaining Conference. Central Bargaining Conference held in Toronto to elect the Correctional Bargaining Team. Once elected, the bargaining team shall disseminate the results of the demand set process to all Correctional Bargaining Unit members. Bargaining team training. Bargaining team to begin preparing for negotiations.
Within last 3 months before expiry	Notice to Bargain submitted. Team tables opening proposals with employer. Issues bargaining starts.
At impasse	In-person meeting with highest-ranking including MERC/PJOHSC/DHS to discuss rejected settlement and identify key issues. If no deal, bargaining team to decide to return to the table or proceed to interest arbitration.
Within 30 business days after a ratified agreement or arbitration award	Hybrid meeting with highest-ranking including MERC/PJOHSC/DHS to discuss bargaining round and agreement/award.
Post-bargaining process	Bargaining team to hold debriefing session and prepare written report for the next bargaining team.