

**Negotiating Procedures
Alcohol and Gaming Commission of Ontario
Local 565**

Sector 20

**Final Version
March 21, 2017**



TABLE ON CONTENTS

- 1. Negotiating Procedures..... 1
- 2. Purpose and Structure 1
- 3. Bargaining Team Elections 2
- 4. The Bargaining Survey..... 3
- 5. Demand Set survey..... 3
- 6. Demand Set meeting..... 3
- 7. Quorum and Majority..... 5
- 8. Negotiations 5
- 9. Ratification / Strike Votes 6
- 10. General Protocol and Team Conduct..... 7
- 11. Solidarity and Dissent..... 7
- 12. Double blind election ballot 8

1. Negotiating Procedures

- 1.1 In accordance with Article 24.1.1 of the Constitution, the following negotiating procedures have been adopted by the Executive Board based on the submissions of the Alcohol and Gaming Commission of Ontario (AGCO) Bargaining Unit of OPSEU, Local 565.

2. Purpose and Structure

- 2.1 The AGCO Bargaining Unit (BU) consists of the employees in the AGCO bargaining unit represented by OPSEU. Only OPSEU members in good standing may take part in the pre-bargaining activities of the unit, although by law all employees in the unit may participate in ratification and/or strike votes on collective agreements negotiated for them by the Union.
- 2.2 The AGCO Bargaining Unit carries out its mandate through:
 - a. A bargaining survey
 - b. A Demand Set survey
 - c. A final Demand Setting meeting
 - d. JCC as per their Local Bylaws
- 2.3 The AGCO Bargaining Unit elects a Local Executive Committee (LEC), which has certain responsibilities for collective bargaining as set out in the procedures below. The other responsibilities of the LEC are outlined in the Local Bylaws.
- 2.4 The LEC appoints a Joint Consultation Committee (JCC) to manage the affairs and deal with employment issues with the employer outside of negotiations in accordance with Article 11 of the Collective Agreement. The JCC 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.

3. Bargaining Team Elections

- 3.1 Any member in good standing may stand for election to the Bargaining Team regardless of whether or not he/she is a delegate provided there is a nomination received in writing.
- 3.2 The AGCO Bargaining Unit will elect the Bargaining Team in a two staged process conducted by registered mail:
 - a. Nominations
 - b. Election
- 3.3 At least eight (8) months before the expiration of the Collective Agreement, the LEC shall conduct a mailing to each bargaining unit member in good standing, inviting them to nominate a bargaining unit member in good standing by way of the nomination form. The nomination form must be signed and dated by both the nominator and the nominee and returned to the Staff Representative by the deadline indicated.
- 3.4 The nomination form shall offer nominations for a five (5) member Bargaining Team. Four (4) members of the bargaining team shall be elected to ensure the membership in each branch division of the AGCO are proportionally represented.

The President of the Local will serve as the automatic member of the bargaining team as a Member-at-Large, representing all members of the bargaining unit on the Bargaining Team.
- 3.5 There shall also be elected up to two (2) alternates to the Bargaining Team from those nominated as Bargaining Team members. These alternates shall participate in bargaining team training. Alternates shall participate in negotiations only when they are replacing a Bargaining Team member who is unable to attend.
- 3.6 Upon the deadline for nominations, the LEC and Staff Representative or designate shall review the nomination forms and identify if any of the positions on the Bargaining Team have been acclaimed (where there is a single incumbent nominated for the position).
- 3.7 A second election mailing shall be sent to each bargaining unit member in good standing in accordance with the Double Blind Ballot process outlined below. Only those members who were duly nominated shall be included on the ballot. The ballot must be returned to the Staff Representative (or designate) by the deadline specified to be counted.

- 3.8 In tabulating the results of the Election ballot, the candidate from each division where an election is required who gains the most votes shall be elected the Representative from that division. Once the division Representatives have been identified, the two candidates with the next greatest number of votes shall be elected as the two (2) alternates in ranked order.
- 3.9 The members of the Bargaining Team will elect a Chair and Secretary.

4. The Bargaining Survey

- 4.1 Prior to the official notification to bargain a new Collective Agreement the Bargaining Team will circulate a bargaining survey to determine the major interests and concerns of the membership for the next round of bargaining. The bargaining survey is the first stage of each round of bargaining. It will be circulated as early as possible to help achieve the objective of negotiating the best possible agreement before the current language expires.
- 4.2 The OPSEU Staff Representative in consultation with the Bargaining Team will determine the best method available to distribute, collect and collate the results of the survey so as to receive feedback from all AGCO bargaining unit members. The results will form the basis of the Demand Set Survey.

5. Demand Set survey

- 5.1 Following the tabulation of the Bargaining Survey, the Bargaining Team shall oversee the circulation of a Demand Set survey for the purpose of setting bargaining proposals and establishing priorities for the upcoming round of negotiations. The Bargaining Team will determine the best method available to distribute, collect and collate the results of the survey so as to receive feedback from all AGCO bargaining unit members.
- 5.2 The results of this survey will be analyzed by the Bargaining Team to create the documentation for the Provincial Demand Setting meeting. The results will also be used as a general consensus of the Memberships demand priorities.

6. Demand Set meeting

- 6.1 Each Department of the AGCO Bargaining Unit shall send delegates to the Demand Set meeting at which the material from the Demand Set survey shall be reviewed, according to the following formula:
The number delegates and alternates sent shall be based on a ratio of one (1) delegate and one (1) alternate for every multiple of

ten (10) bargaining unit employees to ensure the membership in each branch division of the AGCO are proportionally represented. i.e. an area of forty (40) bargaining unit employees would produce four (4) delegates and four (4) alternates.

- 6.2 The purpose of the Demand Set meeting is to examine in depth a number of broadly based issues and concerns that are relevant to the forthcoming round of negotiations, review the results of the bargaining and Demand Set surveys and identify and vote on the demands in ranked order of priority to be brought forward by the Bargaining Team in the upcoming round of bargaining.
- 6.3 Those members in attendance at the Demand Set meeting shall be permitted to table emergency demands not previously identified in the Demand Set Survey for consideration by those in attendance as part of the Bargaining Team's mandate. An emergency demand is that which arises as a result of a change in circumstance or legislation.
- 6.4 Notice to bargain shall be given to the employer as required by the Bargaining Agent (OPSEU).
- 6.5 JCC, LEC and Bargaining Team members will automatically be delegates from the Branch area in the AGCO in which they work. All other delegates shall be elected by a clear majority of the members voting at an AGCO Branch meeting (or any applicable meeting prior to the Demand Set meeting). If there is no Branch meeting planned or anticipated the delegates shall be elected using a double blind ballot method outlined in Section 11 below.
- 6.6 Alternates shall attend the Demand Set meeting only when they are replacing a delegate who is unable to attend.

- 6.7 Delegates shall be responsible for representing their Branch area during the entire bargaining process, including responsibility for summarizing and communicating bargaining information at the Branch level.
- 6.8 An Executive Board Member of OPSEU who is also a member of the AGCO Bargaining Unit 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 Branch area or is a member of the LEC, JCC or Bargaining Team.
- 6.9 Union staff, assigned by the President of OPSEU, shall also participate with voice but no vote.
- 6.10 The Demand Set meeting shall be chaired by the Bargaining Team Chair or his/her designee.

7. Quorum and Majority

- 7.1 The quorum for all provincial meetings referred to in these procedures shall be fifty (50%) per cent plus one of the delegates who have registered for the meeting in question, in accordance with Convention procedures and the Constitution.
- 7.2 All delegates shall be elected by a majority (more than fifty per cent) of those present and voting, except for the automatic delegates as per Article 2.3.

8. Negotiations

- 8.1 The Chair of the Bargaining Team shall:
- a. Chair all meetings of the Bargaining Team;
 - b. Draft bargaining bulletins in consultation with the bargaining team and the OPSEU Staff and to distribute to all members of the bargaining unit during negotiations;
 - c. Be responsible for the orderly conduct and discipline of the team;
 - d. Not make a decision regarding the employer's offer without a vote of the team.
- 8.2 In the absence of the Chair an Acting Chair shall be elected by the bargaining team members.
- 8.3 The Staff Negotiator shall lead negotiations and group discussions while the team is in caucus.

- 8.4 Members of staff assigned to negotiations shall attend all official meetings of the team.

9. Ratification / Strike Votes

- 9.1 Any collective agreement negotiated in the name of the Union with the Employer must be ratified by the general membership in accordance with the Labour Relations Act and signed by the members of the elected Bargaining Team and the President of OPSEU.
- 9.2 When a tentative collective agreement is reached, or a strike mandate is sought as a result of an impasse, Information/Vote meetings of the AGCO membership will be held. The Bargaining Team and the assigned staff negotiator will meet to determine meeting content, dates, times and locations.
- 9.3 AGCO members shall receive a complete and entire written summary of the proposed contract changes and amendments to any language or, in the case of a bargaining impasse, a summary of the issues and/or offer to be voted on in preparation for an Information/Vote meeting. For Regional members the information will be posted on the Unions web site and emailed to the member's personal accounts.
- 9.4 The purpose of an Information/Vote meeting is to explain the circumstance that prompted the Information/Vote meeting and outline the impact on members. The meetings shall be conducted by a Bargaining Team member, an OPSEU staff person, or an Executive Board member, as available.
- 9.5 Members shall be encouraged to ask questions and discuss all relevant issues prior to the vote. Regional staff will be advised to call into these meetings.
- 9.6 In the case of a vote on an Employer offer, the Union shall make it clear to members that a rejection also constitutes a strike mandate for the team.
- 9.7 All Ratification / Strike votes must be cast in person and there shall be no proxy voting. All votes must be by secret ballot. Appropriate voting materials must be provided in sufficient quantities. Materials include official ballots, ballot boxes, a reasonably private voting area, an up-to-date voters' list, an official tally sheet, and a supply of membership application forms.

- 9.8 Regional OPSEU Offices will be used for regional members to cast their votes in person.
- 9.9 Non-members are entitled to vote, provided they can be confirmed as being in the bargaining unit.
- 9.10 When voting is complete, the ballots shall be counted by a committee of not less than two (2) persons who may be drawn from the OPSEU membership and/or OPSEU staff. The Bargaining Team is entitled to attend the counting session.
- 9.11 Regional vote results shall be couriered to the OPSEU Toronto Wellesley Regional Office to be included in the official vote count. The committee will wait for all cast votes to be received before the counting session begins.
- 9.12 The official tally sheet on which the vote is recorded shall clearly show the number of the Local, the names of scrutineers, the number of eligible voters, the number of those who actually voted, and the number of ballots for, against, and spoiled. In addition, it shall be signed in ink by all those who took part in the ballot count. All balloting materials shall be retained at the OPSEU Toronto Wellesley Regional Office for at least thirty (30) days.
- 9.13 When all results have been tabulated, they shall be communicated first to the Bargaining Team who will then ensure that the results are communicated to the membership.

10. General Protocol and Team Conduct

- 10.1 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.

11. Solidarity and Dissent

- 11.1 The policy regarding solidarity and dissent contained in OPSEU policy will be followed.
- 11.2 These Negotiating Procedures are as originally adopted at the Local 565 General Membership Meeting and are hereby submitted to the President of OPSEU for approval by the Executive Board and Convention, pursuant to Article 24 of the OPSEU Constitution.

12. Double blind election ballot

- 12.1 A first nomination package, mailed well in advance of the vote to all bargaining unit employees, shall include the following:
 - a. Notice of Election
 - b. Description of positions for which the elections are being held, information on deadlines to file nominations
 - c. Information on how to join the union and membership form
 - d. Nomination Form and pre-addressed stamped envelope addressed to Staff Representative assigned to the Local
- 12.2 After the deadline for nominations, the Staff Representative shall open all nomination forms and, if the nominator and the nominated are both members in good standing, the Staff Representative shall deem the member has been duly nominated.
- 12.3 If the number of nominations received by the deadline equals or is less than the number of delegate positions available, those nominated shall be deemed to be acclaimed.
- 12.4 If the number of nominations received by the deadline exceeds the number of delegate positions available, a second election package shall be mailed out in between the deadline to file nominations and the voting deadline. Sent only to eligible voters, the package shall include:
 - a. A letter explaining the nature of the vote, how to vote, and the voting deadline to cast a ballot;
 - b. Instructions on how to cast a ballot;
 - c. A ballot;
 - d. A blank sealing envelope, into which the voter can deposit their ballot to ensure anonymity;
 - e. A return envelope addressed to the LEC or designee, with the voter's address as an identifier.
- 12.5 After the voting deadline, the ballots received in accordance with the process outlined above shall be counted and the nominated shall be placed in order of number of votes received.
- 12.6 The elected Branch delegates shall be those nominated who received the most votes as reflected in the voting results to the number outlined in the Branch allocation. The elected alternates shall be those nominated who received the next most votes as reflected in the voting results to the number outlined in the Branch allocation.