

# **SECTION 5 – JOINT BARGAINING**

## **Preamble**

### **1. Effective Date**

November 1992

### **2. Policy Objective**

### **3. Policy Requirements**

## **Part A - Joint Bargaining - General**

### **General**

The Professional Institute supports the concept of joint bargaining. Joint bargaining is a process of collective negotiations with one employer involving more than one Institute Group.

### **2. Joint Bargaining Councils**

- (1) Groups participating in joint bargaining shall form a Joint Bargaining Council.
- (2) The composition of any Joint Bargaining Council shall be determined by the Groups involved.
- (3) The term of office of a Joint Bargaining Council shall be determined by the Groups involved.
- (4) The terms of office of a Joint Bargaining Council shall extend until an opting-in/opting-out ballot is conducted. The Chairperson of a Joint Bargaining Council who is in office at that point in time shall call the first meeting of the Groups participating in joint bargaining.
- (5) A member of a Joint Bargaining Council shall be designated as a liaison officer to the Board of Directors.
- (6) It shall be the responsibility of a Joint Bargaining Council to keep the members of participating Groups informed of developments in joint bargaining.

### **3. Joint Bargaining Procedures**

Joint bargaining procedures shall be formulated by a Joint Bargaining Council in accordance with Institute By-Laws and Policies, and shall be approved by the Board of Directors.

### **4. Dispute Resolution Method**

- (1) The Board of Directors, upon recommendation of a Joint Bargaining Council, shall approve the method of dispute resolution to be applied to Groups participating in joint bargaining.

- (2) The members of each Group shall be bound by the dispute resolution method specified in the information package should they elect to opt-into the joint bargaining process.

## **5. Information Package to Members**

The Institute shall provide an information package to eligible members outlining the options regarding joint bargaining. The package shall include the dispute resolution method approved by the Board of Directors. Group Executives may include recommendations in the information package going out to the members of their Group.

## **6. Duration**

Once a Group opts into joint bargaining, it is committed to the joint bargaining process and may not opt-out until a collective agreement is signed.

## **7. Ratification Process**

- (1) Once a tentative agreement has been approved by a joint bargaining council, details of the tentative agreement shall be sent to each Group Executive for their recommendation. Group Executive recommendations and details of the tentative agreement shall be included with the ballot to be sent to each member of the participating Groups. Ratification shall be achieved when both of the following conditions are met:
  - (a) A majority of all members casting ballots vote in favour of ratification, and
  - (b) A majority (as specified in the applicable joint bargaining procedures) of the Groups participating in joint bargaining ratify the tentative agreement.
- (2) A Group shall be considered to have ratified the tentative agreement if a majority of members casting ballots in that Group vote in favour of ratification.

## **8. Rights of Appeal**

- (1) Group rights of appeal shall be defined in joint bargaining procedures.
- (2) Notwithstanding the above, a Group may appeal to the Board of Directors the decision of a joint bargaining council to send out the tentative agreement to the members of participating Groups.
- (3) The decision of the Board of Directors shall be final. ***AGM 1992***

## **Part B - Structure/Rules/Procedures For Joint Bargaining In The Federal Public Service**

### **1. Objective**

To optimize the negotiating strength of member Groups in order to achieve substantial improvements in working conditions and to improve collective agreements.

### **2. Membership (Declaration of Intent to Opt-In)**

- (1) Any bargaining unit within the Professional Institute of the Public Service of Canada (PIPSC) that has the Treasury Board as employer and has chosen the Conciliation Board/Strike route may become a member Group of the Joint Bargaining Council.
- (2) For a bargaining unit to become a member Group of the Joint Bargaining Council and participate in Joint Bargaining, the majority of responding votes in a mail ballot of bargaining unit members must agree to join the Joint Bargaining Council.
- (3) The date for opting-in shall be established in accordance with Institute policy.

### **3. Resignation (Opting-Out)**

- (1) Member Groups belonging to the Joint Bargaining Council may choose to resign under the following conditions only:
  - (a) After the signing of a collective agreement with the Treasury Board and/or a binding conciliation report has been issued, and
  - (b) If the majority of responding votes in a mail ballot of bargaining unit members agree to opt-out of the Joint Bargaining Council.

### **4. Date for Opting-Out**

- (1) The last date to advise the Institute that a Group has decided to opt-out of Joint Bargaining shall be the day prior to the last day for sending notice to bargain in accordance with the provisions of the Public Service Staff Relations Act under the terms of the Master Agreement.
- (2) A Group choosing to opt-out in accordance with (1) shall cease to be a member Group of the Joint Bargaining Council.
- (3) Subject to (1), once a bargaining unit has become a member Group of the Joint Bargaining Council and is a participant in Joint Bargaining, membership is binding until a collective agreement with the Treasury Board has been signed and/or a binding Conciliation Board decision has been issued.

## **5. Joint Bargaining Council**

### **(1) Composition of the Joint Bargaining Council**

- (a) Joint Bargaining Council Delegates
- (b) Joint Bargaining Council Chair
- (c) Joint Bargaining Council Vice-Chair
- (d) Joint Bargaining Council Secretary.

### **(2) Delegates to the Joint Bargaining Council**

- (a) The Joint Bargaining Council is made up of delegates named by the participating member Groups belonging to the Joint Bargaining Council.
- (b) Member Groups shall be allocated their delegates based on the number of members, including RAND members, in the bargaining unit, as of December 31, according to the following table:
  - (i) 1 to 200 members - one delegate
  - (ii) 201 to 500 members - two delegates
  - (iii) 501 to 900 members - three delegates
  - (iv) 901 to 1400 members - four delegates
  - (v) 1401 to 2000 members - five delegates
  - (vi) 2001 up - six delegates.
- (c) Each Group Executive shall appoint its delegate(s) and further designate one of these delegates as the member Group spokesperson.
- (d) Each Group Executive shall also appoint one (1) or more alternate delegates.
- (e) The Chair of the Group Executive shall send the name(s) of the delegate(s), spokesperson and alternate(s) to the Chair of the Joint Bargaining Council. The delegate(s), spokesperson and alternate(s) shall hold their position(s) until it is revoked in writing by the Chair of the Group Executive.
- (f) In order to provide continuous representation and ensure the flow of information between the Group/Joint Bargaining Council/Group, Groups that have only one (1) official delegate to the Joint Bargaining Council have the right to have an alternate attend Joint Bargaining Council meetings as an observer with his expenses reimbursed, but with no vote when the official delegate of such Groups is present at Joint Bargaining Council meetings.
- (g) The Joint Bargaining Council shall remain in existence as long as the concept of Joint Bargaining is maintained by the Annual General Meeting of the Professional Institute.

### **(3) Duties of the Joint Bargaining Council**

- (a) The delegate to the Joint Bargaining Council shall solicit information regarding contract demands from the member Groups.
- (b) The Joint Bargaining Council has the following duties:
  - (i) To elect a Chair whose duties shall be to chair all meetings of the Joint Bargaining Council unless he/she is unable to attend in which case the Vice-Chair shall chair the meeting.
  - (ii) To elect a Vice-Chair who will replace the Chair in his/her absence or upon resignation of the Chair.
  - (iii) To elect a Secretary who will ensure that adequate minutes are kept.
  - (iv) To accept or reject demands submitted by member Groups and to determine which demands are common and which are Group-specific.
  - (v) To ensure that no member Group suffers the loss of a substantive benefit through joint bargaining.
  - (vi) To mandate the Joint Bargaining Negotiating Team giving general guidance on bargaining priorities and strategies.
  - (vii) To elect a Chair and/or a Vice-Chair in the case where either one or both offices become vacant.
  - (viii) To hear any Appeals submitted on a settlement offer and render a final decision. The decision of the Council may be appealed within five (5) days to the Board of Directors for a final and binding decision.
  - (ix) Upon receipt of a written settlement offer and a recommendation from the Joint Bargaining Negotiating Team, the Joint Bargaining Council will convene in session to determine whether:
    - (A) To send out the settlement offer with a recommendation and to proceed with ratification as per Institute By-Laws, or
    - (B) To proceed to Mediation/Conciliation, or
    - (C) To proceed directly to arbitration, or
    - (D) To return to the Negotiating Table with a new mandate.
  - (x) To inform each Group Executive of the procedures for opting-in/opting-out within the process of joint bargaining.

- (xi) To ensure that the necessary staff resources and technical equipment are requested from the Institute, and that minutes kept by the secretary are circulated to all members of the Joint Bargaining Council and the Joint Bargaining Negotiating Team and to all Group Executives involved in joint bargaining.
- (xii) The Council may establish other rules and procedures which are not inconsistent with the By-Laws of the Institute nor the present rules of procedures as set out in this document.

#### **(4) Group Appeals**

- (a) Rights Each Group has the right to appeal the dropping of a demand at the time of presentation of the settlement offer to the Council.
- (b) Criteria The following criteria to be considered by the Joint Bargaining Council when a Group exercises its right to appeal shall include but not be limited to:
  - (i) comparability to external/internal Groups;
  - (ii) substantive contract language differences with other Groups;
  - (iii) recruitment/retention problems;
  - (iv) human rights factors;
  - (v) specific working conditions.
- (c) Disposition of Appeal A vote of fifty percent (50%) plus one (1) of the voting Council members must accept a specific Group Appeal for it to be upheld.

#### **(5) Meetings**

- (a) The first Joint Bargaining Council meeting for the next round of negotiations will be held within twenty (20) days after the deadline set for the counting of referendum ballots for the declaration of intent to opt-in.
- (b) Subsequent meetings will be at the call of:
  - (i) The Chair;
  - (ii) Upon receipt of a request in writing from at least six (6) members of the Joint Bargaining Council representing at least twenty-five (25%) of participating Groups;
  - (iii) Any member of the Joint Bargaining Negotiating Team exercising the right of appeal on behalf of his Group;
  - (iv) The Joint Bargaining Negotiating Team;
  - (v) The Board of Directors.

#### **(6) Voting**

At any meeting of the Joint Bargaining Council, only delegates may vote. The Chair may vote as a delegate. There shall be no proxy voting. Decisions shall be determined by simple majority of those voting.

**(7) Quorum**

Fifty percent (50%) of the delegates representing forty percent (40%) of the member Groups shall constitute a quorum at meetings of the Joint Bargaining Council.

**(8) Dispute Resolution Method**

The method to resolve impasses in joint bargaining shall be by "binding conciliation" as described in Article 89 of the Public Service Staff Relations Act (PSSRA).

**(9) Ratification Process**

The ratification process shall be in accordance with By-Law 10.3.1.2 with the majority of the Groups referred to in 10.3.1.2(b) being simple majority.

**6. Structure/Rules/Procedures for the Joint Bargaining Negotiating Team**

**(1) Composition of the Joint Bargaining Negotiating Team**

- (a) The Joint Bargaining Negotiating Team will be composed of one (1) delegate from each member Group.
- (b) Normally this delegate will be the Group spokesperson on the Joint Bargaining Council. The Chair of the Group Executive shall send the name of his delegate to the Chair of the Joint Bargaining Council.
- (c) When dealing with Group specific items, a Negotiating Team shall be formed consisting of the Joint Bargaining Negotiating Team Captain, the Group Team Member and any other members as deemed reasonable by the Joint Bargaining Negotiator.
- (d) Notwithstanding the above, where a Group's delegate has been appointed as Team Captain, the Group concerned shall appoint another delegate who will sit on the Joint Bargaining Negotiating Team with voice and vote.

**(2) Duties** The Joint Bargaining Negotiating Team has the following duties:

- (a) To elect a Team Captain who shall chair meetings of the Joint Bargaining Negotiating Team and act as advisor to the Negotiator.
- (b) To elect two (2) Assistant Team Captains, one of whom shall act as the Team Captain in the absence or resignation of the Captain.
- (c) To elect a Secretary who will ensure that adequate minutes are kept and distributed.
- (d) To negotiate a contract for member Groups with the Treasury Board as mandated by the Joint Bargaining Council.

- (e) To make recommendation to the Joint Bargaining Council.
- (f) To elect a Captain and/or an Assistant Captain or a Secretary in the case where any office becomes vacant.
- (g) To set specific bargaining priorities and strategies based on guidance received from the Joint Bargaining Council.
- (h) The Team Captain shall brief the Chair of the Joint Bargaining Council on the progress of the negotiations.
- (i) Delegates to the Joint Bargaining Negotiating Team shall inform their Group Executives on the status of negotiations.
- (j) To inform the Institute Board of Directors on the status of negotiations.
- (k) **Note:** The Negotiator - a PIPSC employee - will be the spokesperson for the Joint Bargaining Negotiating Team in bargaining sessions with the Treasury Board.

### **(3) Meetings**

- (a) The first Joint Bargaining Negotiating Team meeting will be held within twenty (20) days of receiving its mandate from the Joint Bargaining Council.
- (b) The Joint Bargaining Team will determine its own meeting dates and meet as required.
- (c) Subsequent meetings will be at the call of:
  - (i) The Team Captain;
  - (ii) The Negotiator;
  - (iii) Any three (3) members of the Joint Bargaining Negotiating Team.

### **(4) Voting**

At any meeting of the Joint Bargaining Negotiating Team, only Negotiating Team members may vote. The Team Captain may not vote as a member of the Joint Bargaining Negotiating Team. There shall be no proxy voting. Decisions shall be determined by simple majority of those voting, except in the case of the dropping or amending of a Group specific demand(s) where the decision shall be based on a two-thirds (2/3) majority.

### **(5) Quorum**

Fifty percent (50%) of the members of the Joint Bargaining Negotiating Team constitutes a quorum, provided each Group is represented.



**(6) Appeal**

Each Group, through its spokesperson on the Joint Bargaining Negotiating Team, has a right to appeal the dropping of any of that Group's demands to the Joint Bargaining Council.

**(7) Communication**

The Joint Bargaining Negotiating Team has the responsibility for ensuring that all members in joint bargaining are kept informed on the status of negotiations except for the ratification process where the Joint Bargaining Council has that communication responsibility.

**7. Group Executive Duties in Joint Bargaining**

- (1) To determine demands submitted to the Joint Bargaining Council.
- (2) To appoint delegates to the Joint Bargaining Council, their spokesperson and alternate(s).
- (3) To appoint their member to the Joint Bargaining Negotiating Team. Normally, the Joint Bargaining Negotiating Team member will be the spokesperson on the Joint Bargaining Council.
- (4) To make recommendation to their Group membership about opting-in/opting-out of Joint Bargaining.
- (5) To make recommendations to their Group membership regarding the tentative agreement.
- (6) To keep the members of their Groups informed on the status of negotiations, as appropriate.

**Part C - Structure/Rules/Procedures For Joint Bargaining – National Film Board**

**1. Objective**

To optimize the negotiating strength of member Groups in order to achieve substantial improvements in working conditions and to improve collective agreements.

**2. Membership (Declaration of Intent to Opt-In)**

- (1) Any bargaining unit with The Professional Institute of the Public Service of Canada (PIPSC) that has the National Film Board as employer may become a member Group of the Joint Bargaining Council.

- (2) For a bargaining unit to become a member Group of the Joint Bargaining Council and participate in Joint Bargaining, the majority of responding votes in a mail ballot of bargaining unit members must agree to join the Joint Bargaining Council.
- (3) The date for opting-in shall be established in accordance with Institute policy.

### **3. Resignations (Opting-Out)**

Member Groups belonging to the Joint Bargaining Council may choose to resign under the following conditions only:

- (a) After the signing of a collective agreement with the National Film Board and/or an arbitration award has been issued, and
- (b) If the majority of responding members in a mail ballot of bargaining unit members agree to opt-out of the Joint Bargaining Council.

### **4. Date for Opting-Out**

- (1) The last date to advise the Institute that a Group has decided to opt-out of Joint Bargaining shall be the day prior to the last day for sending notice to bargain in accordance with the provisions of the Public Service Staff Relations Act (PSSRA) under the terms of the Master Agreement.
- (2) A Group choosing to opt-out in accordance with (1) shall cease to be a member Group of the Joint Bargaining Council.
- (3) Subject to (1), once a bargaining unit has become a member Group of the Joint Bargaining Council and is a participant in Joint Bargaining, membership is binding until a collective agreement with the National Film Board has been signed and/or an arbitration award has been issued.

### **5. Structure/Rules/Procedures for Joint Bargaining Council**

#### **(1) Composition of the Joint Bargaining Council**

- (a) Joint Bargaining Council Delegates
- (b) Joint Bargaining Council Chair
- (c) Joint Bargaining Council Vice-Chair
- (d) Joint Bargaining Council Secretary

#### **(2) Delegates to the Joint Bargaining Council**

- (a) The Joint Bargaining Council is made up of delegates named by the participating member Groups belonging to the Joint Bargaining Council.
- (b) Delegates shall be allocated as follows:
  - (i) 8 delegates for the Administration and Foreign Service Group and
  - (ii) 4 delegates for the Professional and Scientific Group.

- (c) Each Group Executive shall appoint its delegate(s) and further designate one (1) of these delegates as the member Group spokesperson.
- (d) Each Group Executive shall also appoint one (1) or more alternate delegates.
- (e) The Chair of the Group Executive shall send the name(s) of the delegate(s), spokesperson and alternate(s) to the Chair of the Joint Bargaining Council. The delegate(s), spokesperson and alternate(s) shall hold their position(s) until it is revoked in writing by the Chair of the Group Executive.
- (f) The Joint Bargaining Council shall remain in existence as long as the concept of Joint Bargaining is maintained by the Annual General Meeting of the Professional Institute.

**(3) Duties of the Joint Bargaining Council**

- (a) The delegates to the Joint Bargaining Council shall solicit information regarding contract demands from the member Groups and shall inform their Group Executive of the status of negotiations.
- (b) The Joint Bargaining Council has the following duties:
  - (i) To elect a Chair whose duties shall be to chair all meetings of the Joint Bargaining Council unless he/she are unable to attend, in which case the Vice-Chair shall chair the meeting.
  - (ii) To elect a Vice-Chair who will replace the Chair in his/her absence or upon resignation of the Chair.
  - (iii) To elect a Secretary who will ensure that adequate minutes are kept.
  - (iv) To accept or reject demands submitted by member Groups and to determine which demands are common and which are Group-specific.
  - (v) To ensure that no member Group suffers the loss of a substantive benefit through Joint Bargaining.
  - (vi) To evaluate and/or determine bargaining priorities and to mandate the Joint Bargaining Negotiating Team.
  - (vii) To elect a Chair and/or a Vice-Chair in the case where either one or both offices become vacant.
  - (viii) To hear any Appeals submitted on a settlement offer and render a final decision. The decision of the Council may be appealed within five (5) days to the Board of Directors for a final and binding decision.

- (ix) Upon receipt of a written settlement offer and a recommendation from the Joint Bargaining Negotiating Team, the Joint Bargaining Council will convene in session to determine whether:
  - (A) To send out the settlement offer with a recommendation and to proceed with ratification as per Institute By-Laws, or
  - (B) To proceed to Mediation/Conciliation, or
  - (C) To proceed directly to Arbitration, or
  - (D) To return to the Negotiating Table with a new mandate.
- (x) Where no written settlement offer is made and negotiations have reached an impasse, the Joint Bargaining Negotiating Team has the right, by a vote of simple majority, to proceed to the next step.
- (xi) To inform each Group Executive of the procedures for opting-in/opting-out within the process of Joint Bargaining.
- (xii) To ensure that the necessary staff resources and technical equipment are requested from the Institute, and that minutes kept by the Secretary are circulated to all members of the Joint Bargaining Council and the Joint Bargaining Negotiating Team and to all Group Executives involved in Joint Bargaining.
- (xiii) To inform the Institute Board of Directors on the status of negotiations.
- (xiv) The Council may establish other rules and procedures which are not inconsistent with the By-Laws of the Institute nor the present rules of procedures as set out in this document.
- (xv) The Council may alter the existing rules or establish new ones for circumstances not addressed in this document.

#### **(4) Group Appeals**

- (a) Rights Each Group has the right to appeal the dropping of a demand at the time of presentation of the settlement offer to the Council.
- (b) Criteria The following criteria to be considered by the Joint Bargaining Council when a group exercises its right to appeal shall include but not be limited to:
  - (i) comparability to external/internal Groups;
  - (ii) substantive contract language differences with other Groups;
  - (iii) recruitment/retention problems;
  - (iv) human rights factors, and
  - (v) specific working conditions.

- (c) Disposition of Appeal A vote of fifty percent (50%) of the voting Council members must accept a specific Group appeal for it to be upheld.

**(5) Meetings**

- (a) The first Joint Bargaining Council meeting for the next round of negotiation will be held within twenty (20) days after the deadline set for the counting of referendum ballots for the declaration of intent to opt-in.
- (b) Subsequent meetings will be at the call of:
  - (i) The Chair;
  - (ii) Upon receipt of a request in writing from at least three (3) members of the Joint Bargaining Council;
  - (iii) Any member of the Joint Bargaining Negotiating Team exercising the right of appeal on behalf of his Group;
  - (iv) The Joint Bargaining Negotiating Team, and
  - (v) The Board of Directors.

**(6) Voting**

At any meeting of the Joint Bargaining Council, only delegates may vote. The Chair may vote as a delegate. There shall be no proxy voting. Decisions shall be determined by simple majority of those voting.

**(7) Quorum**

Fifty percent (50%) of the delegates with at least two (2) delegates from each Group shall constitute a quorum at meetings of the Joint Bargaining Council.

**(8) Dispute Resolution Method**

The method to resolve impasses in joint bargaining shall be by arbitration as described in Sections 63 to 76 of the Public Service Staff Relations Act (PSSRA).

**(9) Ratification Process**

The ratification process shall be in accordance with By-Law 10.3.1.2 with the majority of the Groups referred to in 10.3.1.2.3(b) being simple majority.

**6. Structure/Rules/Procedures for Joint Bargaining Negotiating Team**

**(1) Composition of the Joint Bargaining Negotiating Team**

- (a) The Joint Bargaining Negotiating Team will be composed of four (4) delegates from the Administration and Foreign Service Groups and two (2) delegates from the Scientific and Professional Groups appointed by each Group Executive respectively.
- (b) Each Group delegate shall appoint a liaison person for the purpose of reporting to his/her Group Executive.

**(2) Duties** The Joint Bargaining Negotiating Team has the following duties:

- (a) To elect a Team Captain who shall chair meetings of the Joint Bargaining Negotiating Team and act as advisor to the Negotiator.
- (b) To elect one (1) Assistant Team Captain who shall act as the Team Captain in the absence or resignation of the Team Captain.
- (c) To elect a Secretary who will ensure that adequate minutes are kept and distributed.
- (d) To negotiate a contract for member Groups with the National Film Board as mandated by the Joint Bargaining Council.
- (e) To make recommendations to the Joint Bargaining Council.
- (f) To elect a Captain and/or an Assistant Captain or a Secretary in the case where any office becomes vacant.
- (g) Note: The Negotiator - a PIPSC employee - will be the spokesperson for the Joint Bargaining Negotiating Team in bargaining sessions with the Employer.

**(3) Meetings**

- (a) The first Joint Bargaining Negotiating Team meeting will be held within twenty (20) days of receiving its mandate from the Joint Bargaining Council.
- (b) The Joint Bargaining Negotiating Team will determine its own meeting dates as required.
- (c) Subsequent meetings will be at the call of:
  - (i) The Team Captain;
  - (ii) The Negotiator, or
  - (iii) Any two (2) members of the Joint Bargaining Negotiating Team.

**(4) Voting**

At any meeting of the Joint Bargaining Negotiating Team, only Negotiating Team members may vote. The Team Captain may vote as a member of the Joint Bargaining Negotiating Team. There shall be no proxy voting. Decisions shall be determined by simple majority of those voting, except in the case of the dropping or amending of a Group specific demand(s) where the decision shall be based on a two-thirds (2/3) majority.

**(5) Quorum**

Fifty percent (50%) of the members of the Joint Bargaining Negotiating Team constitutes a quorum, provided each Group is represented.

**(6) Appeal**

Each Group, through its delegates to the Joint Bargaining Negotiating Team, has a right to appeal the dropping of any of that Group's demands to the Joint Bargaining Council.

**(7) Communication**

The Joint Bargaining Negotiating Team has the responsibility for ensuring that all members in Joint Bargaining are kept informed on the status of negotiations except for the ratification process where the Joint Bargaining Council has that communication responsibility.

**7. Group Executive Duties in Joint Bargaining**

- (1) To determine demands submitted to the Joint Bargaining Council.
- (2) To appoint delegates to the Joint Bargaining Council, their spokesperson and alternate(s).
- (3) To appoint their members to the Joint Bargaining Negotiating Team.
- (4) To make recommendations to their Group membership about opting-in/opting-out of Joint Bargaining.
- (5) To make recommendations to their Group membership regarding the tentative agreement.