

## BARGAINING RESOLUTIONS COMMITTEE REPORT

The Bargaining Committee met on April 28 – April 29, 2017 to deal with resolutions 201 to 208.

The members of the Committee are:

Welgush, Kevin  
Green, Ashley  
Keays, Jennifer  
Feraday, Brad  
Hewitt, Selby  
Barbeau, Wayne

Saskatoon  
St. Johns T.C.  
Ottawa East  
Toronto East  
Toronto West  
Winnipeg T.S.O.

Jackson, Adam  
Johannson, Derek  
Cloutier, Marc  
Verret, Josée  
Robbins, Marina  
Newport, Clarkson

Kingston  
Penticton  
Laval  
Québec  
Peterborough  
Hamilton

Gardiner, Madonna  
Martel, Jérôme  
Crupi, Cosimo

Chairperson  
Co-Chairperson  
Co-Chairperson

Holmes, Andrea

Technical Advisor

I would like to thank the Committee members for their attention and respect demonstrated during the deliberations and for their good work and patience. I would also like to thank the interpreters and the technicians.

The Committee's resolutions priority for presentation will be:

Resolutions of non-concurrence:

**204, 201, 202, 203, 205, 206, 207**

Respectfully submitted for the members of the Committee,

Madonna Gardiner  
Chairperson of the Bargaining Committee

## **BARGAINING RESOLUTIONS COMMITTEE**

- 201. COLLECTIVE BARGAINING – COOLING OFF PERIOD
- 202. SHARING RESULTS OF RATIFICATIONS VOTES
- 203. PSAC REGULATION 15(A) – RATIFICATION VOTE
- 204. REGULATION 15 – RATIFICATION VOTES
- 205. SIGNING BONUSES FOR EMPLOYEES ON LEAVE
- 206. ADD A BARGAINING TEAM MEMBER WHO IS 35 OR YOUNGER
- 207. AMENDING PSAC REGULATION 15 OF THE PSAC CONSTITUTION
- 208. AMENDING PSAC REGULATION 15 OF PSAC CONSTITUTION

**201. COLLECTIVE BARGAINING – COOLING-OFF PERIOD**

**WHEREAS** situations have occurred whereby items agreed to during bargaining when being implemented or interpreted by either party it turns out the item agreed to or the wording in place creates other problems; and

**WHEREAS** this seems to occur as a result of late hour settlements.

**BE IT RESOLVED THAT** UTE, in consultation with the PSAC as the bargaining agent, enter into dialogue, consultations, or negotiations with the employer (CRA) to agree upon a process or protocol whereby a cooling-off period be implemented immediately upon coming to a tentative agreement, allowing both parties a short window of time to review the tentative agreement to ensure there are no issues or problems inadvertently created with the tentative agreement.

**BE IT FURTHER RESOLVED THAT** the intent of this is a review process to correct problems and not to enter into further negotiations.

**COMMITTEE’S RECOMMENDATION**

**Non-Concurrence**

**Adopt Unanimously.**

**RATIONALE:**

**The committee understands the intent of the resolution however, the committee recommends non-concurrence for the following reasons:**

- **Not necessary because the bargaining team already has this ability.**
- **No time specified in the resolution for cooling off.**
- **Despite the second be it resolved, the employer could change its mind during the cooling off period and could unintentionally lead to more negotiations.**
- **Could hinder the momentum of the negotiations.**

**202. SHARING RESULTS OF RATIFICATION VOTES**

**WHEREAS** it is currently the President of the PSAC's discretion to release / disclose the results of our ratification votes; and

**WHEREAS** this discretion is not currently defined in the PSAC and UTE constitutions; and

**WHEREAS** it is the desire of the memberships to obtain voting results by percentage in every province.

**BE IT RESOLVED THAT** the PSAC and UTE release the results of ratification votes regardless of the results to all the province in a percentile average.

**OTTAWA CENTRE, LOCAL 70004**

**COMMITTEE'S RECOMMENDATION**

**Non-Concurrence**

**Adopt Unanimously.**

**RATIONALE:**

- **It could be detrimental to release results.**
- **There is a risk of damaging the solidarity within the union.**
- **It could pit provinces and members against each other.**
- **It could undermine the power of the bargaining team.**

**203. PSAC REGULATION 15(A) – RATIFICATION VOTE**

**WHEREAS** Regulation 15A 2.2 states Locals are responsible for the conduct of ratification votes; and

**WHEREAS** Regulation 15A 2.3 places an onus on Components to ensure members are kept informed about the issues during the Bargaining process; and

**WHEREAS** the PSLRA states that we must: hold a vote by secret ballot among all of the employees in the bargaining unit conducted in a manner that ensures that the employees are given a reasonable opportunity to participate in the vote and be informed of the results; and

**WHEREAS** many Locals/Branches have established an effective collective bargaining communication structure with their members and Components can hold specific meetings to inform members and various other media to ensure the broadest possible awareness; and

**WHEREAS** all Federal, Provincial and Municipal elections are held without a requirement to attend a meeting immediately before voting; and

**WHEREAS** elections for the elected positions within the Alliance do not require someone to speak immediately preceding the election but allow for prior knowledge of someone's position and character to be sufficient.

**COMMITTEE'S RECOMMENDATION**

**Non-Concurrence**

**RATIONALE:**

- Resolution is poorly written.
- Members need to hear the information from the bargaining team member in person where questions can be asked and answers provided.
- Some webinars are not well presented and have low participation rates.
- Union would have no way to ensure members are well informed of the issues.
- The loss of an opportunity to engage the participation of members.
- Cannot replace the value of face to face meetings.
- Face to face meetings allow the opportunity to correct misinformation.
- It would allow the employer to divide the membership, since members may only receive the employer's information.
- The union needs to have contact with the members to communicate our position.

**203. PSAC REGULATION 15(A) – RATIFICATION  
VOTE (CONT'D)**

**BE IT RESOLVED THAT** Regulation (15A) section 3 be amended to insert a new section 3.11.10 and renumber the current 3.11.10 and remaining sections; and

Members shall sign a prescribed register to vote that clearly indicates they have:

- a) proved they are an employee in the bargaining agent of the PSAC; and
- b) have obtained the relevant information explaining the terms of the tentative collective agreement by way of a meeting held by the PSAC, or an officer of the PSAC designated by the AEC, or by electronic (webinar, website, email communication, etc.) or other means determined by the PSAC.

**SURREY, LOCAL 20029**

## **204. REGULATION 15 – RATIFICATION VOTES**

**Allow for webinar ratification information sessions and allow members a variety of ways to vote on their Collective Agreement**

**WHEREAS** Regulation 15 of the PSAC By-Laws about Collective Bargaining state under 1.1: “All ballots must be cast at meetings following an information session, where members have been:

- informed of the issues;
- told the nature of the vote; and
- given an opportunity for questions and answers”

**WHEREAS** the requirement for ballots to be cast only following an information session is currently enforced as an in-person requirement for attendance at the information session which greatly limits the participation of many members in the ratification voting process; and

**WHEREAS** the PSAC has embraced a variety of communication tools including webinars, telephone town-halls, email and social media to disseminate information to the membership, and the requirement of an in-person meeting to receive information and ask questions is archaic compared to current practice for disseminating all other forms of information AND information about collective agreements; and

**WHEREAS** CFIA has already successfully completed an online ratification vote; and

## **COMMITTEE’S RECOMMENDATION**

**Non-Concurrence**

**Recorded against: Kevin Welgush**

### **RATIONALE:**

- **Ratification votes only take place every few years, not unreasonable to ask members to attend.**
- **There are protocols currently in place to allow members on leave to vote.**
- **Multiple voting days are already possible.**
- **Members need to hear the information from the bargaining team member in person where questions can be asked and answers provided.**
- **Some webinars are not well presented and have low participation rates.**
- **Union would have no way to ensure members are well informed of the issues.**
- **The loss of an opportunity to engage the participation of members.**
- **Cannot replace the value of face to face meetings.**
- **Face to face meetings allow the opportunity to correct misinformation.**
- **It would allow the employer to divide the membership, since members may only receive the employer’s information.**
- **The union needs to have contact with the members to communicate our position.**

**204. REGULATION 15 – RATIFICATION VOTES**  
**(CONT'D)**

**WHEREAS** the PSAC is embracing of the democratic process, participation in elections, and encourages members to be engaged in an INCLUSIVE environment not an EXCLUSIVE one; and

**WHEREAS** a ratification vote is the most important vote in an employee's work life, having great financial, workplace and work life balance implications; and

**WHEREAS** well-informed members have missed ratification votes due to pre-approved leave, illness, and for caring for family.

**BE IT RESOLVED THAT** the UTE petition the PSAC to amend Regulation 15 to:

Allow for employees on leave of 3 months or less to vote  
Allow for multiple voting days for all Locals  
Allow for online voting  
Allow for proxy voting

Utilize all communication tools available to disseminate ratification kits and information to the membership, and remove the requirement to attend an in-person information session prior to a member being allowed to cast a vote ratification ballot.



**204. REGULATION 15 – RATIFICATION VOTES**  
**(CONT'D)**

Explore the option of giving ratification information sessions by webinar to members who cannot be in attendance on voting day, and allow for them to vote by alternative means.

**VICTORIA, LOCAL 20028**

**205. SIGNING BONUSES FOR EMPLOYEES ON LEAVE**

**WHEREAS** the union regularly bargains for a signing bonus for members as part of ratifying a new collective agreement; and

**WHEREAS** the signing bonus has a set date of payment for employees; and

**WHEREAS** employees on any long-term leave including but not limited to Maternity, Paternity, Parental, Medical, Care and Nurturing leave etc. who are receiving EI benefits do not have a choice to defer the lump-sum signing bonus to a period when they are not in receipt of EI benefits; and

**WHEREAS** the bargaining process can last for years, and employee long-term leave cannot be arranged in many circumstances for the employee to be “on-strength” on the exact date of a signing bonus payout; and

**WHEREAS** signing bonuses have to be reported and claimed on EI reports and result in an unfair reduction of benefits for employees on leave which they often have no control over.

**BE IT RESOLVED** that the UTE petition the PSAC to implement a policy in bargaining / negotiations to request that any agreed upon lump sum payments for employees on leave be deferred until they have returned to strength.

**VICTORIA, LOCAL 20028**

**COMMITTEE’S RECOMMENDATION**

**Non-Concurrence**

**Adopt Unanimously.**

**RATIONALE:**

- **The resolution is vague.**
- **This can already be negotiated at the table.**
- **This should be a bargaining demand.**

**206. ADD A BARGAINING TEAM MEMBER WHO IS 35 OR YOUNGER**

**WHEREAS** recent bargaining cycles have resulted in the elimination of benefits that unfairly impact younger employees more than older employees, including the elimination of severance and marriage leave; and

**WHEREAS** the Government has introduced legislation that also unfairly targets younger employees harder than older employees, pushing back the age they have to work until to access the same retirement benefits as other, older employees in the same working positions (increasing the retirement age from 55 to 60 for all Federal employees hired after 2013); and

**WHEREAS** our new collective agreement includes language to introduce a divisive, two-tiered seniority policy that unfairly targets younger employees when there are summer vacation conflicts with older employees in the same working positions; and

**WHEREAS** younger employees are the only group facing these seniority and age-divisive policies negatively, and the union has sought to include the input of disadvantaged groups to make informed policy decisions and bargain fairly.

**COMMITTEE'S RECOMMENDATION**

**Non-Concurrence**

**Adopt Unanimously.**

**RATIONALE:**

- **The PSAC regulation referred to in the resolution does not apply in the setting up of the UTE bargaining team.**
- **UTE bargaining team makeup is governed by UTE Regulation 10.**

**206. ADD A BARGAINING TEAM MEMBER WHO IS 35 OR YOUNGER (CONT'D)**

**BE IT RESOLVED** that the UTE petition the PSAC to have a requirement implemented in Regulation 15A 3.9 under the makeup of Bargaining Teams to include a minimum of 1 member who is 35 years old or younger on the bargaining team to bring forward the concerns and perspective of our younger members to the process of bargaining for new collective agreement.

**VICTORIA, LOCAL 20028**

**207. AMENDING PSAC REGULATION 15 OF THE PSAC CONSTITUTION**

**WHEREAS** there are many avenues available for members to obtain information on Collective Bargaining and the details of tentative agreements; and

**WHEREAS** more and more, Unions have been making use of alternate methods of providing information, such as webinars and telephone town hall meetings; and

**WHEREAS** other groups have already shown that alternate voting systems work and, in fact, our own members in certain conditions have alternate procedures available to them; and

**WHEREAS** we recognize that members need to be informed on the issues prior to voting, however electronic communication is the method preferred by most members; and

**WHEREAS** the required technology is already available.

**BE IT RESOLVED THAT** the UTE send a resolution to the PSAC National Convention to amend Regulation 15 of the PSAC Constitution to allow alternate methods of participating in ratification votes that do not require members to attend a meeting in person.

**KITCHENER, LOCAL 00015**

**COMMITTEE'S RECOMMENDATION**

**Non-Concurrence**

**This resolution covers resolution 208**

**RATIONALE:**

- **The resolution is vague.**
- **No specific alternate methods of participation in ratification votes recommended.**
- **Alternate methods are already available.**
- **Ratification votes are not held often. It is important for members to hear the bargaining team member's information.**

**208. AMENDING PSAC REGULATION 15 OF PSAC CONSTITUTION**

**WHEREAS** there are many avenues available for members to obtain information on Collective Bargaining and the details of tentative agreements; and

**WHEREAS** more and more Unions have been making use at alternate methods of providing information such as webinars and telephone town hall meetings; and

**WHEREAS** other groups have already shown that alternative voting systems work and, in fact, our own members in certain conditions have alternate procedures available to them; and

**WHEREAS** we recognize that members need to be informed on these issues prior to voting, however electronic communication is the method preferred by most members; and

**WHEREAS** the required technology is available.

**BE IT RESOLVED THAT** the UTE send a resolution to the PSAC National Convention to amend Regulation 15 of the PSAC Constitution to allow alternative methods of participating in ratification votes that do not require members to attend a meeting in person.

**COMMITTEE'S RECOMMENDATION**

**Voided on the grounds that its full intent is embodied in recommended 207**

**RATIONALE:**

**ST. CATHARINES, LOCAL 00016**