



# OPSEU Liquor Board Employees Division

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**Bylaws & Negotiating Procedures**

***Building a Powerful Division***

***Building a Powerful Division***

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**Section 1: Overview**

## OPSEU Merger: Key Steps So Far

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- In June 2005, OLBEU merged with OPSEU, becoming the Liquor Board Employees Division (LBED) within OPSEU
- **Since then, LBED members have taken two major steps:**
  - 1) July, 2005 – Bargaining campaign & new collective agreement
  - 2) Winter 2006 – Establishment of new OPSEU locals for LBED members – including local elections, steward training, and servicing by OPSEU’s local services staff/regional offices

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## LBED’s Home in OPSEU

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- OPSEU has over 500 locals and more than 500 collective agreements with different employers
- **OPSEU locals are grouped into 3 main “divisions”:**
  - 1) The Ontario Public Service
  - 2) The Community Colleges (CAAT)
  - 3) The Broader Public Service (BPS)
- LBED has been designated “Sector 26” within OPSEU’s BPS Division.

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## OPSEU Merger: Next Steps

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- To complete the transition – and build the most powerful new division possible within OPSEU – LBED needs to establish a new divisional structure
- **This includes 3 key steps :**
  - Adopting a new set of **divisional bylaws**
  - Holding elections for a new **divisional leadership**
  - Adopting new **negotiating procedures** for bargaining with the LCBO at the provincial level

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## Bylaws at a Glance

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### **Divisional bylaws set out:**

- The role of the divisional executive (DivEx) as the provincial leadership for the division
- The role of divisional committees
- The process for electing the divisional executive, committee chairs and committee members
- The process by which any proposed divisional dues assessment is to be voted on by the LBED membership

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## **Negotiating Procedures at a Glance**

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**Divisional negotiating procedures set out rules for negotiating renewal collective agreements with the LCBO including:**

- How bargaining teams are elected
- How bargaining demands are set by the membership
- How ratification and strike votes are held

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## **LBED Divisional Meeting**

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- LBED divisional bylaws and negotiating procedures must be adopted by local delegates at the next LBED divisional meeting
- The divisional meeting will also elect the next divisional executive and committee chairs
- The first LBED divisional meeting will be held on June 3 & 4, 2007 in Toronto

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## Approval of Bylaws & Bargaining Procedures

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### Bylaws must be:

- Passed by 2/3 majority vote of LBED Local delegates attending a Divisional Meeting AND
- Approved by the OPSEU President

### Negotiating Procedures must be:

- Passed by majority vote at a LBED Divisional Meeting,
- Approved by the OPSEU Executive Board, AND
- Passed by delegates at an OPSEU Convention

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## Draft Bylaws & Negotiating Procedures: Development

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**The draft bylaws and negotiating procedures were developed by a committee made up of:**

- Jo Ann Fisher, Acting LBED Chair
- Mike Sullivan, Acting LBED 1<sup>st</sup> Vice-Chair
- Tom Galli, LBED Treasurer
- Vanda Klumper, LBED DivEx member
- Rob Field, OPSEU Staff Negotiator

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## **Draft Bylaws & Negotiating Procedures: Development (cont'd)**

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### **Draft bylaws & negotiating procedures reflect:**

- OPSEU/OLBEU merger agreement
- OPSEU constitution
- Bylaws of other OPSEU divisions
- Needs of LBED and its locals and members
- LBED collective agreement & labour relations with LCBO
- Comments and recommendations provided by LBED local leaders during a consultation in Summer/Fall 2006

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## **Draft Bylaws & Negotiating Procedures: Development (cont'd)**

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- Draft bylaws and negotiating procedures were endorsed by the LBED Divisional Executive on February 28, 2007
- The draft by-laws and negotiating procedures are intended to serve as the basis for consultation with LBED Local Presidents and the LBED membership in the period leading up to the June Divisional Meeting

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## **Draft Bylaws & Negotiating Procedures: Next Steps**

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- Drafts presented to local leadership at regional workshops – early March 2007
- Drafts reviewed at LBED local meetings – March/April, 2007. Locals are asked to hold votes on motions endorsing the drafts and any recommended changes
- Members can submit comments via OPSEU web site – March/April, 2007

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## **Draft Bylaws & Negotiating Procedures: Next Steps (cont'd)**

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- Committee reviews feedback from regional workshops, local meetings and members' comments and incorporates any changes – mid-May, 2007
- Final draft bylaws and negotiating procedures submitted for approval by delegates to LBED Divisional Meeting – June 3 & 4, 2007

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# *Building a Powerful Division*

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## **Section 2: Draft Divisional Bylaws**

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## **LBED Divisional Bylaws**

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- **The LBED Collective Agreement establishes a number of joint “problem-solving systems” at the Provincial Level:**
  - Central Collective Bargaining
  - Labour Management Committee System
  - Provincial Health and Safety Committee
  - Joint Insured Benefits Review Committee
  - Employment Equity Sub-Committee
  
- **These problem-solving systems require province-wide coordination in order to function in the best interest of members**

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## Divisional Committees

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- In addition to committees recognized in the Collective Agreement the Division needs other committees to co-ordinate and direct provincial activity in support of members and locals on the ground
- **To carry out these functions the draft bylaws provide for:**
  - A six-member Divisional Executive (DivEx)
  - Nine (9) standing committees

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## Divisional Executive Committee (DivEx)

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- **All six members of the DivEx are elected at the Divisional Meeting**
- **The DivEx includes three (3) Executive Officers:**
  - **Divisional Chair** (Also chairs the Bargaining Committee, Provincial Labour Management Committee and Bylaw and Futures Committee)
  - **Divisional Vice-Chair** (Chairs the Grievance Committee and sits on Bargaining Committee)
  - **Secretary-Treasurer** (Chairs the Finance and Audit Committee)

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## **DivEx (cont'd)**

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- **The DivEx includes the chairs of the following (3) Standing Committees:**
  - Education and Communications
  - Health and Safety
  - Benefits and Pensions

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## **Standing Committees**

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- **The chairs of the Divisional Standing Committees are elected at the Divisional Meeting as follows:**
  - **Bylaw Review, Development and Futures Committee**
    - Chaired by DivEx Chair
  - **Provincial Labour Management Committee (PLMC)**
    - Chaired by DivEx Chair
  - **Regional Labour Management Committees (4)**
    - Chairs elected separately at Divisional Meeting

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## **Standing Committees (cont'd)**

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➤ **The chairs of the Divisional Standing Committees are elected at the Divisional Meeting as follows:**

➤ **Grievance Committee**

– Chaired by DivEx Vice-Chair

➤ **Finance Committee**

– Chaired by DivEx Secretary-Treasurer

➤ **Education and Communication Committee**

– Chair elected separately at Divisional Meeting

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## **Standing Committees (cont'd)**

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➤ **The chairs of the Divisional Standing Committees are elected at the Divisional Meeting as follows:**

➤ **Health and Safety Committee**

– Chair elected separately at Divisional Meeting

➤ **Benefits and Pensions Committee**

– Chair elected separately at Divisional Meeting

➤ **Employee Assistance Program (EAP) Committee**

– Chair elected separately at Divisional Meeting

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## Officer and Committee Mandates

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- The Divisional Officers include the Divisional Chair, Vice-Chair and Secretary-Treasurer
- The duties and responsibilities of Divisional Officers are set out in article 6.5 of the draft bylaws on pages 7 and 8
- The composition and mandate of the proposed Divisional Standing Committees are set out in article 6.10 on pages 9 - 14

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## Other Divisional Duties

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- **Assisting with the Administration of the Union Leave System including:**
  - The allocation of the 800 day Union Leave Pool
- **Managing the LBED Assets including:**
  - The Anti-Privatization Fund (\$2 million plus)
- **Coordinating Campaigns**
  - E.g. the Agency Store Campaign

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## **Other Divisional Duties** (cont'd)

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- Coordinating the activities and functioning of all Divisional Committees
- Working with OPSEU Head Office to Develop Support for LBED priorities including central financing for LBED initiatives.

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## **How Committee Membership is Determined**

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**The Divisional Meeting elects:**

- The Divisional Executive (DivEx)
- The Chairs of all Divisional Committees

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## Committee Chair Elections: “Automatic” Chairs

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- **The chairs of five Standing Committees are determined “automatically” when the Officers are elected at the Divisional Meeting:**
  - **Bargaining Team**
    - DivEx Chair is automatic chair
  - **Provincial Labour Management Committee (PLMC)**
    - DivEx Chair is automatic chair
  - **Bylaw, Development and Futures Committee**
    - DivEx Chair is automatic chair
  - **Grievance Committee**
    - DivEx Vice-Chair is automatic chair
  - **Finance Committee**
    - DivEx Secretary-Treasurer is automatic chair

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## Committee Chair Elections: Chairs Elected Separately

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- **The following committee chairs are elected separately at the Divisional Meeting:**
  - Regional Labour Management Committees (4)
  - Education and Communication Committee
  - Health and Safety Committee
  - Benefits and Pensions Committee
  - Employee Assistance Program (EAP) Committee

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## Other Committee Members

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- Besides the Chairs, other Standing Committee members are elected by the Executive Officers (Chair, Vice-Chair, Secretary/Treasurer) of the DivEx, according to clause 6.4 of the draft bylaws:

“Within sixty (60) calendar days following the Divisional, and in full consultation with the Chair of each Standing Committee, all remaining positions (and any subsequent vacancies) on each Standing Committee shall be filled pursuant to a majority vote of the Executive Officers of the Division.”

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## Divisional Meeting: Locals Are the Division

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- The Divisional Meeting is the highest decision-making body for the LBED
- Divisional Meetings take place at the bi-annual Broader Public Service (BPS) Conference
- Locals with LBED members are entitled to send delegates to the Divisional Meeting based on the “Convention Formula”

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## **Divisional Meeting: Local Delegate Entitlement**

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- **All LBED Locals – including LBED Units within OPSEU composite Locals – are entitled to at least one delegate to the Divisional Meeting**
  
- **Locals are entitled to elect the following number of delegates, based on the number of “members in good standing”**
  - Up to 150 Members – 1 delegate
  - 151 to 300 Members – 2 delegates
  - 301 to 500 Members – 3 delegates
  - 501 to 800 Members – 4 delegates

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## **Divisional Meeting: Local Delegate Entitlement (cont'd)**

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- **Locals are entitled to elect the following number of delegates, based on the number of members in good standing:**
  - 801 to 1100 Members – 5 delegates
  - 1101 to 1500 Members – 6 delegates
  - 1501 to 1900 Members – 7 delegates
  - 1901 to 2300 Members – 8 delegates
  - 2301 or more Members – 9 delegates

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## Divisional Meeting: Delegate Costs

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- **OPSEU Head Office pays the costs associated with attendance by delegates to the LBED Divisional Meeting. This includes:**
  - Lost wages
  - Accommodation
  - Meals
  - Transportation
  - Child and Dependent Care

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## Divisional Meeting: Alternates & Observers

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- Alternate and observer costs are NOT paid by OPSEU Head Office and are not eligible for 80/20 financing
- Locals may decide to cover alternates' and observers' lost wages and expenses, in whole or in part

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## Financing Divisional Activities

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- **LBED is entitled to central financial support from OPSEU Head Office for certain activities:**
  - Members' costs (lost wages, meals, transportation accommodation) of participation on joint committees established under the collective agreement (4 meetings per year)
  - DivEx meetings (4 per year)
  - Grievance Committee meetings (12 per year)

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## Financing LBED Committees

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- **Other divisional committees and activities are not funded centrally by OPSEU.**
- **LBED has 23 provincial or regional committees. Please see the separate hand-out listing all 23 committees:**
  - Committees listed in bold are entitled to a certain degree of Central Financing
  - Committees listed in regular type are NOT entitled to central financing and must be supported via Divisional funds only

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## Financing LBED Committees (cont'd)

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- **A number of proposed Divisional Committees are not entitled to central financing including:**
  - By-law Review, Development and Futures Committee
  - Finance Committee
  - Education and Communications Committee
  - EAP Committee
  
- If the LBED and its member Locals want to engage in more activity than is provided for in central OPSEU funding, the Division needs to find a way to pay for those activities.

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## Paying for Unfunded Divisional Activities

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- **To pay for unfunded divisional activities, LBED Locals could at some future date be asked to support a LBED Divisional Dues levy.**
  
- There are two (2) methods that could be used to create a Divisional Dues levy, both of which would involve voluntary opting in on a Local-by-Local basis:
  1. An additional LBED Payroll-Based Divisional Dues Assessment on all LBED dues-paying members. Divisional dues would be over and above members' central OPSEU dues levels of 1.375%; or
  2. A diversion of a portion of Local Union Rebate funds to the Division.

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## Paying for Unfunded Divisional Activities (cont'd)

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- The LBED Payroll-Based Divisional Dues Assessment Option would have to be passed by a 2/3 majority of LBED members in Local-by-Local secret ballot votes before OPSEU could ask the LCBO to make deductions from LBED dues-payers' pay cheques and forward the proceeds to the Division
- The "Local Rebate Diversion Option" would require Local-by-Local membership votes on a simple majority basis, with dues being voluntarily forwarded by LBED Locals to the Division
- Under the draft bylaws, a proposal under either option would also have to be passed by 2/3 of the Local delegates attending a LBED Divisional Meeting

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## Paying for Unfunded Divisional Activities (cont'd)

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- To provide accurate numbers upon which to base any future dues assessment proposal, the LBED DivEx has created a \$200,000 "Transitional Contingency Fund" from existing Divisional assets
- This fund will be contained in a LBED Divisional Budget to be presented to the LBED Divisional Meeting in June 2007
- The DivEx will finance and track necessary but unfunded activities out of this fund over the next year to determine if there is a need for a Divisional Dues Levy and, if so, at what level

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## Paying for Unfunded Divisional Activities (cont'd)

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- **If a Divisional Dues Assessment is put in place in the future:**
  - Locals voting in favour of the proposal and paying divisional dues will be considered “locals in good standing”
  - Locals that do not approve the proposal or pay divisional dues would be considered “not in good standing”

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## Paying for Unfunded Divisional Activities (cont'd)

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- **If a Divisional Dues Assessment is put in place, LBED locals must be in good standing” to:**
  - Participate divisional business (including future Divisional Meetings) with full voting privileges
  - Have members run for office within the division (including the DivEx and Divisional Committees)

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## Paying for Unfunded Divisional Activities (cont'd)

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- **If a Divisional Dues Assessment is put in place, LBED locals that are “not in good standing”:**
  - Can participate divisional business (including future Divisional Meetings) but without voting privileges
  - Cannot have members run for office within the division (including the DivEx and Divisional Committees)

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## Paying for Unfunded Divisional Activities (cont'd)

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- **If a Divisional Dues Assessment is put in place:**
  - All locals – whether or not they are “in good standing” within the Division – will have the right to full participation in the pre-bargaining, demand-setting and bargaining process, including having local members run for positions on the bargaining team.

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## Section 3: Draft Negotiating Procedures

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## **LBED Negotiating Procedures**

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- All OPSEU bargaining units that engage in some form of central bargaining have to develop negotiating procedures. This includes LBED.
- **Negotiating Procedures must be:**
  - Adopted at a LBED Divisional Meeting
  - Endorsed by the OPSEU Executive Board
  - Passed by the delegates to an OPSEU Convention

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## **What's in the LBED Negotiating Procedures**

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- **Rules for bargaining renewal Collective Agreements with the LCBO, including:**
  - How bargaining teams are elected
  - How bargaining demands are set by the membership
  - How ratification and strike votes are held
- Rules for “negotiating” with the LCBO while Collective Agreements are in place

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## **LBED Negotiating Procedures (cont'd)**

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- **LBED Negotiating Procedure Timetable:**
  - Debated before LBED Divisional in June 2007
  - Adopted at June 2007 LBED Divisional
  - Endorsed by the OPSEU Board in 2007
  - Passed by the OPSEU 2008 Convention

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## Key Elements of the Bargaining “Cycle”

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- 1) Membership Issue Survey
- 2) Pre-Bargaining Conference
- 3) Local “Demand-Setting” Meetings
- 4) Final “Demand-Setting” Meeting
- 5) Negotiations with the Employer
- 6) Ratification and Strike Votes Rules
- 7) Implementation and Administration of the Collective Agreement

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## Pre-Bargaining Conference

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- **The Pre-Bargaining Conference (PBC):**
  - Examines issues relevant to upcoming round
  - Discusses results of membership issues survey
  - Develops themes for consideration at Local Demand-Setting Meetings
  - Provides advice and guidance and a sense of direction to delegates

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## **Pre-Bargaining Conference** (cont'd)

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- **Locals are entitled to elect PBC Delegates based on the “Convention Formula”**
  - The Local President – or the Unit Steward in Composite Locals – is the automatic first Delegate
  - Additional delegates are elected at Local Membership Meetings
- Delegates are responsible for representing their Locals throughout the entire round of bargaining
- Local Delegates to the PBC and Final Demand Setting Meetings are expected to be the same

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## **Bargaining Team Elections**

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- Delegates to the PBC Elect the Bargaining Team
- LBED Chair and Vice-Chair “automatic” chair and vice-chair of Bargaining Team
- Five (5) others team members are elected by delegates to the PBC
- Team must include at least one (1) employee from Logistics and one (1) casual employee from Retail
- Bargaining Team becomes and assumes the role of the Provincial Labour Management Committee (PLMC) while bargaining is taking place

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## **Local Demand Setting Meetings (LDSM)**

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- All Locals with LBED members call a meeting to formally vote on bargaining proposals for the upcoming round of negotiations
- These Local demands become the subject of discussion at the Final Demand Setting Meeting
- Local delegates are expected to advocate on behalf of the demands passed at their LDSM

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## **Final Demand Setting Meeting (FDSM)**

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- Local demands from all LBED Locals are consolidated into a Final Demand Setting Book by OPSEU Head Office
- The Final Demand Setting Book is sent out at least one (1) week before the FDSM
- Delegates to the FDSM discuss, adopt and rank in priority, the final demands to be placed on the table with the LCBO

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## Negotiating with the Employer

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- LBED Chair, chairs all meeting of the Bargaining Team
- OPSEU assigned negotiator attends all caucus meetings and direct meetings with the employer
- Team responsible for all communications with the membership during bargaining

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## Tentative Agreements

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- Tentative agreements must be ratified by a simple majority of members within LBED Locals voting in a secret ballot
- A written summary of the proposed agreement must be sent out to all LBED members before the vote
- Information sessions to discuss and debate the proposed amendments will be held prior to the ratification vote
- Local secret ballots will be counted locally and reported to OPSEU Head Office
- Results will be reported ASAP to the Team, Local Presidents and the membership

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## Strike Votes

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- Strike votes must be passed by a simple majority of members within LBED Locals voting in a secret ballot
- A written summary of the issues in dispute or the employer's last offer must be sent to all LBED members before the vote
- Information sessions to discuss and debate the proposed strike resolution will be held prior to the strike vote
- Local secret ballots will be counted locally and reported to OPSEU Head Office
- Results will be reported ASAP to the Team, Local Presidents and the membership

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## Draft Bylaws & Negotiating Procedures: Next Steps

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- Draft by-laws and bargaining procedures presented to LBED local presidents at regional workshops – early March 2007
- Drafts reviewed at LBED local meetings – March/April, 2007. Locals are asked to hold votes on motions endorsing the drafts or recommending changes

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## **Draft Bylaws & Negotiating Procedures: Next Steps** (cont'd)

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- Members can also submit comments on the draft by-laws and negotiating procedures via OPSEU web site – March/April, 2007
- Committee reviews feedback from regional workshops, local meetings and members' comments and incorporates any changes – mid-May, 2007
- Final draft bylaws, negotiating procedures and divisional dues proposal submitted for approval by delegates to LBED Divisional Meeting – June 3 & 4, 2007