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(endorsed by DivEx for review with Locals)

GUIDE TO
OPSEU Liquor Board Employees Division
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Liquor Board Employees Division

Negotiating Procedures

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 Liquor Control Board of Ontario (“LCBO”) Bargaining Unit of OPSEU.

(1) **PURPOSE and STRUCTURE**

- 1.1 The LCBO Bargaining Unit (BU) consists of the employees in the LCBO bargaining unit represented by OPSEU. Only OPSEU members in good standing may take part in the pre-bargaining activities of the Division, 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.
- 1.2 The LCBO Bargaining Unit carries out its mandate through:
- (a) pre-bargaining conference
 - (b) local demand setting meetings
 - (c) final demand setting meetings of local delegates
 - (d) the Provincial Labour Management Committee and (“PLMC”) and Regional Labour Management Committees (“RLMC”) which shall be comprised in accordance with the mandate of the Provincial Labour/Management Committee (in accordance with the Liquor Board Employees Division Bylaws)
- 1.3 The PLMC shall act as a negotiating team with respect to all matters arising out of the collective agreement with the employer. It 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.
- 1.4 After the Negotiating Committee is elected it will assume the duties of the PLMC until a collective agreement is ratified by the membership and implemented. During collective bargaining the PLMC shall stand down until the Negotiating Committee has arrived at a renewal collective agreement.

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(2) THE PRE-BARGAINING CONFERENCE (PBC)

- 2.1 Prior to the official notification to bargain a new Collective Agreement the PLMC, in consultation with the Division Chair and OPSEU President, shall convene a Pre-Bargaining conference (PBC).
- 2.2 Each Member Local and Unit Local of the LCBO Bargaining Unit shall send delegates according to the Convention formula.

The Member Local President or Member Unit Steward will be the automatic first delegate from his/her Member Local or Member Unit. All other delegates shall be elected by a clear majority of the members voting at an LCBO Unit membership meeting. In a composite Local, only members from the LCBO Bargaining Unit are entitled to be delegates.

Delegates shall be responsible for representing their Local during the entire bargaining process, including responsibility for reading, reviewing, summarizing and communicating bargaining information at the local level.

- 2.3 Each local shall also elect alternates up to the number of delegates to which it is entitled. Attendance by alternates at the PBC shall be at the expense of their local, except where they are replacing a delegate who is unable to attend. Alternates shall have voice but no vote, and shall be identified separately from the delegates (unless the alternate is replacing a delegate in which case the alternate will then have full delegate status).

The delegates and alternates to the Pre-Bargaining Conference and the Final Demand Setting meeting, except in extenuating circumstances, shall be the same delegates/alternates for both meetings.

- 2.4 The Division Executive shall also be delegates in their own right, in addition to their local delegate entitlement as determined by Art. 2.2.
- 2.5 An Executive Board member who is a member of the LCBO 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 Local or is a member of the Division Executive.
- 2.6 Union staff, as assigned by the President of OPSEU, shall also participate with voice but no vote.

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- 2.7 The purpose of the Pre-Bargaining Conference shall be to examine in depth a number of broadly-based issues that are relevant to the forthcoming round of negotiations, review the results of the bargaining survey and develop themes for consideration at local demand setting meetings, and, generally, give guidance and a sense of direction to the delegates. In addition the delegates will elect the negotiation team. In accordance with the Division By-laws the Chair and the Vice-Chair of the Division shall be the Chair and Vice-Chair of the Negotiating Committee, respectively.
- 2.8 The PBC shall be chaired by the President of OPSEU or his/her designee.
- 2.9 There shall be a seven (7) member Negotiating Committee. Except for the Chair and Vice-Chair, who serve as automatic members from the Executive Committee, the remaining five (5) members shall be elected by the delegates at the PBC. At least one (1) Committee member shall be an employee in a Logistics facility and at least one (1) Committee member shall be a Retail Casual employee, provided there are such candidates available.
- 2.10 Any member in good standing may stand for election regardless of whether or not he/she is a delegate to the meeting provided there is a nomination received in writing. The nomination must be signed and dated by both the nominator and the nominee and in the hands of the person chairing the meeting prior to the election taking place. Nominations may also be made from the floor. A nominee who is ineligible/unable to attend the meeting shall remain eligible to be a candidate provided that he or she follows the nomination procedure above.
- 2.11 Nominees in attendance as delegates/alternates shall be given up to three minutes to address the delegates about their candidacy. Those ineligible/unable to attend may have their speech read by a delegate or alternate attending the meeting.

(3) LOCAL DEMAND SETTING

- 3.1 Following the PBC, the Local President of a Unit Local, or the highest ranking unit steward from a member unit in a composite local, shall be notified to convene a local membership meeting for the purpose of setting bargaining proposals and establishing priorities.
- 3.2 With the notice there shall be an information kit, written in plain language and containing, among other things:
- a copy of these procedures;
 - instructions on how and when to hold the meetings;

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- background information on the economic and political context of the forthcoming negotiations, as appropriate;
 - forms on which to record proposals (with supporting documentation);
 - a summary of the recommendations from the PBC;
 - Delegate/Alternate credentials
- 3.3 If the Local's delegate(s) to the PBC are not among the two top Local officers mentioned in 3.1 above, such delegate(s) shall also receive a copy of the kit. It is the responsibility of the delegate(s) and Local officers to bring the results of the PBC before the members at the local demand setting meeting for their information and consideration.
- 3.4 Normally, proposals shall be presented in person by the members attending the local demand setting meeting. However, proposals and supporting documentation may be submitted in writing, to the Chair of the meeting, in advance, by members unable to attend.
- 3.5 The only proposals that will be considered official are those that are adopted by majority vote of the local membership meeting, entered on the appropriate forms, signed by the delegate(s) to the PBC to show they are the local's official proposals, and sent with supporting documentation to arrive at the Collective Bargaining Department at OPSEU Head Office by a date to be determined by the PLMC and the Collective Bargaining Department.
- 3.6 Delegate/alternate credentials for those attending the final demand setting meeting shall be included with the proposals sent to Head Office to provide sufficient accommodation, seating, documents and other materials for the delegates and alternates.
- (4) FINAL DEMAND SETTING
- 4.1 The delegate entitlement for the final demand setting meeting is the same as prescribed for the Pre-Bargaining Conference (Article 2).
- 4.2 Bargaining proposals that meet the requirements set out in 3.5 above shall be compiled into kits for the final demand setting meeting. The kits shall be prepared with input from the Negotiating Committee and from union staff, and may include recommendations. Head Office shall endeavour to mail out the kits so that they will reach the delegates at least one (1) week before the meeting.

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- 4.3 Notice to bargain shall be given to the employer as required.
- 4.4 At a date determined by the Negotiating Committee, a final demand setting meeting shall be convened. A proposed agenda shall be developed by the Negotiating Committee and voted on by the delegates at the start of the meeting.
- 4.5 The delegates shall discuss and adopt their final demands and rank them in priority.
- 4.6 An Executive Board Member who is a member of the LCBO 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 local or is a member of the Negotiating Committee /Division Executive.

(5) QUORUM AND MAJORITY

- 5.1 The quorum for all provincial meetings referred to in these procedures shall be fifty (50%) per cent of the delegates who have registered for the meeting in question, in accordance with Convention procedures.
- 5.2 All delegates and alternates shall be elected by a majority (more than fifty per cent) of those present and voting, except for the automatic delegates as per Article 2.2.
- 5.3 For any local demand setting and/or Liquor Board Employees Division unit membership meeting the quorum shall be as per the Constitution.

(6) NEGOTIATIONS

- 6.1 The chairperson (or in the chairperson's absence, the vice-chairperson) of the Negotiating Committee shall:
 - (a) chair all meetings of the team;
 - (b) draft negotiation reports with the team and the staff negotiator to be sent to all members of the bargaining unit during negotiations.
 - (c) be responsible for the orderly conduct and discipline of the team;
 - (d) explain allowable expense claims for the team in light of Union policies;
 - (e) in emergency situations, using discretion, provide food, refreshments and incidentals for the team during negotiation sessions (such expenses to be accompanied by receipts);

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(f) not make a decision regarding the employer's offer without a vote of the team.

6.2 The staff negotiator may lead the group discussions while the team is in caucus.

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

6.4 Any contract negotiated with the employer in the name of the Union shall be ratified in accordance with the Crown Employees Collective Bargaining Act, and signed by the President of the Union.

(7) RATIFICATION / STRIKE VOTES

7.1 Any collective agreement negotiated in the name of the Union with the Employer must be ratified by the general membership and signed by the members of the elected Negotiating Committee and the President of OPSEU.

7.2 When a tentative collective agreement is reached, or a strike mandate is sought as a result of an impasse, information/vote meetings of the LBED membership will be held. The Bargaining Team and the assigned staff negotiator will meet with the appropriate Head Office staff to determine meeting content, dates, times and locations.

7.3 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 ballot or segregated ballot to cover all or part of the Local or Unit. The President of OPSEU shall determine whether a mail-in or segregated ballot is to be allowed in any given situation.

7.4 LBED members shall receive a written summary of the proposed contract changes or, in the case of a bargaining impasse, a summary of the issues and/or offer to be voted on.

7.5 The purpose of information/vote meetings is to explain the proposed contract changes and their impact on members. The meetings shall be conducted by a knowledgeable person (eg: a Bargaining Team member, an OPSEU staff person, a Local President, or an Executive Board Member, as available). members shall be encouraged to ask questions and discuss the changes prior to the vote.

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- 7.6 In the case of a vote to reject an Employer offer, the Union shall make it clear to members that a rejection also constitutes a strike mandate for the team.
- 7.7 All 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.
- 7.8 Those conducting the vote shall ask each member for his or her name, check the name off the voters' list, and hand the member a ballot.
- 7.9 Non-members are entitled to vote, provided they can be confirmed as being in the bargaining unit.
- 7.10 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. All LBED Local Presidents/Unit Stewards (or their designee) are entitled to attend the counting session of their Local vote as scrutineers. Scrutineers are entitled to record the local results.
- 7.11 The official tally sheet on which the vote is recorded shall clearly show the number of the Local(s), 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, and shall be forwarded, along with the ballots, to the appropriate OPSEU Regional Office, where the ballots shall be retained for at least thirty (30) days.
- 7.12 Local vote results shall be telephoned to OPSEU Head Office, where a Local-by-Local tally shall be kept.
- 7.13 When all results have been tabulated, they shall be communicated first to the Bargaining Team, then to the Regional Offices and Local Presidents, who will then ensure that the results are communicated to their respective memberships.
- 7.14 Where any member alleges that these procedures have not been followed, the President of OPSEU 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 his or her opinion, the failure to comply with the procedures has materially affected the outcome of the vote.

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(8) BARGAINING TIMELINE

- 8.1 During demand setting and negotiations, members and staff shall circulate a bargaining timeline, which shall include the schedule for the Pre-Bargaining Conference (PBC), Local Demand Setting Meetings (LDSM), the Final Demand Setting Meeting (FDSM) and the Notice to Bargain (N2B).
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General Protocol and Team Conduct

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.

Solidarity and Dissent

The policy regarding solidarity and dissent contained in OPSEU policy will be followed.

NOTE: Any amendment to these Negotiation Procedures may result in an amendment to the Liquor Board Employees Division Bylaws.