

# QUFA PROTOCOL REGARDING AUTHORITY AND PROCESS FOR COLLECTIVE BARGAINING

*Approved by QUFA Executive and QUFA Council September 2010*

*Approved by QUFA Executive and QUFA Council September 2014*

This protocol is designed to clarify the process by which decisions related to collective bargaining are made within and by the Queen's University Faculty Association.

## 1. Membership

The Association is the sole bargaining agent for members of the Bargaining Unit. As a result of amalgamation, members of the Bargaining Unit are defined as those who would have been members in the two Bargaining Units that existed prior to amalgamation as defined in the respective Certificates issued by the Ontario Labour Relations Board. There are two types of membership: membership in the Bargaining Unit and membership in the Association.

### a) Membership in the Bargaining Unit

Membership in the Bargaining Unit refers to all Academic Staff covered by one of the Ontario Labour Relations Board (OLRB) Certificates and therefore by the current Collective Agreement. Bargaining Unit members are represented by the Association. All Queen's University Academic Staff (with a few exceptions, e.g., clinician faculty who are members of the OMA and therefore excluded by the OLRB) are automatically members of the Bargaining Unit. Dues are deducted automatically by the University's Financial Services. Members of the Bargaining Unit can vote on the Collective Agreement: ratification and strike action.

### b) Membership in the Association

Membership in the Association is open to all members of the Bargaining Unit. Membership is voluntary and may be obtained by completing an application form and ensuring that it has been received by the QUFA office. No additional payment of dues is required to become a member of the Association. Members can participate in the day-to-day decision making processes of the Association by being elected to hold an office on the Executive Committee or on the Council of Representatives, or by serving on the Negotiating Team and/or on supporting committees. Members of the Association may vote on the election of officers and on policy matters of the Association at general meetings.

In addition to those members of the Bargaining Unit consisting of the Faculty, Librarian, and Archivist, and the Sessional Adjuncts, membership in the Association is open to clinical faculty in the Faculty of Health Sciences who are eligible for membership in the Clinical Teachers' Association of Queen's University (CTAQ), and to such other groups as the Association may determine.

## 2. Enabling Power or Authority

a) Members of the Bargaining Unit have the power or authority to accept or reject a negotiated Collective Agreement. Ratification of a negotiated Collective Agreement shall be conducted by secret ballot.

b) Members of the Queen's University Faculty Association have the power or authority to delegate

authority to run the affairs of the Association and manage the negotiated contracts. Members of each Council unit have the power to elect Council representatives. Members of the Association have the power to elect Officers of the Association, the right to convene special meetings, and alter the Constitution, under the authority provided by the QUFA Constitution.

- c) All members of the Bargaining Unit may attend meetings of the Bargaining Unit, which may be convened to present negotiating objectives in principle or to ratify a proposed Collective Agreement, or vote on a request for strike or other action.
- d) Progress reports on negotiations may be presented as part of the agenda at regular general meetings of the Association which are open only to members of the Association. When this is the case, members of the Bargaining Unit who are not members of the Association may attend with the permission of the Association membership then in attendance at the meeting. Special general meetings called solely for the purpose of progress reports on negotiations or a vote on a request for strike or other action for the Bargaining Unit are open to all members of the Bargaining Unit.

### 3. **Delegated Authority**

#### a) The Executive Committee

Under the QUFA Constitution, the Executive Committee of the Association has the responsibility to supervise collective bargaining which includes selecting and appointing and, if necessary, removing or replacing the members of a Negotiating Team, including the Chief Negotiator. The Executive Committee must report the composition of a Negotiating Team to Council for approval and must inform the membership through appropriate channels (for example, the QUFA website, general meetings, email, publications, etc.). Under the QUFA Constitution, the Executive Committee is responsible for approving bargaining positions and strategies recommended by a Negotiating Team. Accordingly, the responsibility for instructing a Negotiating Team rests with the Executive Committee. The President or designate will serve as the Chief Spokesperson, responsible to handle media inquiries; the Chief Negotiator or designate is responsible to present bargaining updates to the membership.

#### b) The Negotiating Team

The Negotiating Team will choose its own recorder(s). The QUFA President and other members of the Executive or staff, and selected members of the Bargaining Unit, may, on the invitation of the Negotiating Team, attend at the negotiating table from time to time as observers or experts on particular negotiating issues.

The Negotiating Team has the sole authority to represent the Bargaining Unit in Collective Bargaining negotiations with the Employer. The Negotiating Team will develop proposals, supported by the Executive Committee, based on consultations with Bargaining Unit members which may take the form of surveys, unit meetings, QUFA meetings, special purpose advisory groups or other forms of outreach. They will consult regularly with and take instruction from the Executive Committee as to general strategy and responses in principle to proposals from the Employer.

#### c) The Council of Representatives

Upon recommendation by the Executive Committee and the Negotiating Team, and in accordance with the QUFA Constitution, the Council is responsible for approving general

collective bargaining principles, as well as approving a Collective Bargaining Protocol. The Council also serves as a mechanism for communicating information from the Executive Committee to the general membership, and vice versa.

#### 4. **Supportive Committees**

Any committees to support negotiations, such as a Normative Issues Advisory Group, a Compensation and Benefits Advisory Group, or an Adjunct Advisory Group, shall be appointed by the Executive and announced to the Council of Representatives following a call-out to Council for volunteers or nominees. From time to time, the Executive and Bargaining Team may adopt other mechanisms for consulting the general membership, such as caucus meetings, focus groups, and surveys, etc.

#### 5. **Reporting Structure**

- a) Prior to the start of negotiations, the Negotiating Team shall present a list of bargaining objectives to the Executive for approval.
- b) During the period that a new Collective Agreement is being prepared and negotiated, a representative of the Negotiating Team, normally the Chief Negotiator, will regularly attend meetings of the Executive Committee and Council to report on the development of proposals and the progress of negotiations with the Employer.
- c) Substantive changes in normative or economic provisions developed by the Negotiating Team during negotiations will be presented to the Executive Committee for approval.
- d) Regular bargaining reports will be provided to Council, and Council feedback will be solicited on a regular basis. Any oral or written reports to Council or to the membership during the negotiating process will be presented by the Chief Negotiator, the President, or delegated to a member of the Negotiating Team or the Executive Committee. Detailed discussions of such reports shall be kept confidential.
- e) When the Negotiating Team determines that negotiations have concluded, members of the Team will present key changes to the Collective Agreement to the Executive Committee and Council. The Executive Committee will vote to recommend the changes to the Collective Agreement to the membership or not. Council members will vote to recommend the changes to the Collective Agreement to the membership or not. Key changes to the Collective Agreement will be presented to the Bargaining Unit, along with the recommendations of both Executive and Council, for ratification by secret ballot.
- f) If the Employer exercises its option to force a ratification vote, key changes to the Collective Agreement will be presented to the Bargaining Unit for ratification by secret ballot.