

QUFA Protocol Regarding Authority and Processes for Negotiating Collective Agreements

Approved by Executive and Council 2010

Approved by Executive and Council 2014

Approved by Executive and Council March 2022

This protocol clarifies the Queen's University Faculty Association's (QUFA) decision-making structures and processes related to negotiating collective agreements.

1. Membership

QUFA ("the Association") is the sole bargaining agent for members of the Bargaining Unit and is governed by those who also opt to become members of the Association.

- a) Membership in the Bargaining Unit (BU) refers to all Academic Staff covered by one of the Ontario Labour Relations Board (OLRB) Certificates and defined in Article 1 of the Queen's-QUFA Collective Agreement. All Queen's University Academic Staff (with a few exceptions, e.g., clinician faculty who are members of the Ontario Medical Association and therefore excluded by the OLRB) are members of the BU. Membership dues are deducted automatically by Queen's University's Financial Services.
- b) Membership in the Association is open to all members of the BU and to clinical faculty in the Faculty of Health Sciences who are eligible for membership in the Clinical Teachers' Association of Queen's University (CTAQ). Association membership is voluntary and may be obtained by completing an application form and ensuring that it has been received by the Association. No additional payment of dues is required to become a member of the Association.

2. Membership Rights

- a) Members of the BU have the right to:
 - i. attend any meeting in which a bargaining mandate is to be approved or amended;
 - ii. speak to and vote on any motion pertaining to bargaining mandates or priorities;
 - iii. attend any general meeting in which bargaining progress is reported and speak to that item of the agenda;
 - iv. grant the Executive the authority to initiate job action (strike) by secret ballot vote;

- v. attend any general meeting in which a tentative Collective Agreement is presented;
 - vi. vote to accept (ratify) or reject a tentative Collective Agreement by secret ballot vote.
- b) Members of the Association have the additional authority to:
- i. vote on all matters of governance of the Association such as annual budgets, leadership elections and political initiatives;
 - ii. delegate authority to run the affairs of the Association and manage the Collective Agreement to the Executive Committee and Council of Representatives;
 - iii. elect or stand for election to become Officers, Committee Chairs and member representatives who form the Executive Committee;
 - iv. elect or stand for election to become Council Representatives;
 - v. alter the QUFA Constitution.

3. *Delegated Authority*

- a) The Executive Committee has the following rights and responsibilities before and during negotiations:
- i. selecting and appointing and, if necessary, removing or replacing the members of a Bargaining Team (BT), including the Chief Negotiator (CN);
 - ii. reporting the composition of a BT to Council for approval;
 - iii. informing the BU through appropriate channels (for example, the Association's website, general meetings, email, publications) of the composition of the BT;
 - iv. approving bargaining positions and strategies recommended by the BT and instructing them as negotiations unfold;
 - v. responding to media inquiries (the President or designate is the Chief Spokesperson of the Association);
 - vi. recommending (or not) tentative agreements brought by the BT;
 - vii. authorizing strike votes and job action;
 - viii. managing communications, meetings and votes.
- b) The Bargaining Team has the following rights and responsibilities before and during negotiations:
- i. consulting with BU members through surveys, unit meetings, town halls, caucus groups in whatever combination suits the situation;
 - ii. developing a bargaining mandate and principles for approval by the Executive and Council;
 - iii. representing the BU at the negotiating table with Queen's University;
 - iv. developing proposed collective agreement language;
 - v. communicating developments to BU members in writing or through

- meetings as appropriate (the CN(s) will normally be the spokesperson/people for the BT);
- vi. recommending job action to the Executive if appropriate;
- vii. recommending tentative agreements for ratification.

- c) The Council of Representatives has the following rights and responsibilities before and during negotiations:
 - i. approving this Bargaining Protocol;
 - ii. approving general bargaining principles recommended by the BT and Executive;
 - iii. aiding the dissemination of developments at the negotiations table to BU members;
 - iv. recommending (or not) a tentative agreement brought by the BT.

4. *Supportive Committees*

With the exception of the Queen's University Librarians and Archivists' (QULA) Negotiations Committee which is independently struck by QULA, any committees to support negotiations shall be appointed by the Executive and announced to the Council of Representatives following a call-out to Council for volunteers or nominees.

5. *Reporting and Decision Structure*

1. The CN(s) will attend Executive Meetings during active negotiations to report on the progress of bargaining and to consult on strategic questions like moving to conciliation or taking a strike vote.
2. The CN(s) will regularly report to Council and may also attend Council meetings while negotiations are in progress.
3. Any substantive normative or economic proposals developed by the BT outside the mandate approved by the Executive or beyond the bargaining principles approved by Council will be brought by the CN to the Executive and to Council for approval as needed.
4. The BT may ask the Executive to authorize a strike vote if they believe it will aid in negotiations. If the Executive agrees, a secret online vote will be held and a simple majority of BU members who vote will determine the outcome. A vote to approve a strike does not initiate a strike but empowers the Executive to do so if necessary.
5. When the BT determines that negotiations have concluded, they will either:
 - a. bring a tentative collective agreement to the Executive and Council for their review and recommendation (move to #6); or,
 - b. inform the Executive that they have reached impasse and ask the Executive to initiate job action (move to #10).
6. If there is a tentative collective agreement, Executive and Council will separately review the changes and vote to recommend that members approve or reject the

tentative agreement. They do not have to concur. If at least one of Executive or Council votes to recommend the tentative agreement to members, proceed to #7; if neither votes to recommend, move to #10.

7. A general meeting will be called and members will be presented with the tentative agreement by the CN(s) and will be informed of the decisions of Executive and Council to recommend ratification or not.
8. If the BU members in attendance vote to recommend that the tentative agreement be put to the full bargaining unit for a ratification vote, move to #9; if they do not, move to #10.
9. A secret online ratification vote will be held subsequent to the meeting and will be decided by a simple majority of BU members voting.
10. If there is no ratification vote or the BU rejects the tentative agreement, the Executive will either appoint a new BT and/or CN to continue negotiations or it will initiate job action.
11. If the University exercises its option to force a ratification vote, a general meeting will be held in which the University's proposal will be presented and a secret online vote will follow as per #9.

Principles for Job Action

Approved by Executive and Council February 2023

In the event of a strike or lockout:

1. Safety will remain our first priority.
2. With regard to strike pay, we will be inclusive, and all members are eligible as long as they observe the job action and do not cross picket lines without a picket pass.
3. We will be generous in our interpretation of why an individual might not be available for picket duty and require accommodation. Virtual picket duties will be available for members who cannot be present in person.
4. We will provide picket passes to QUFA members in exceptional circumstances.
5. To prioritize inclusivity and accessibility, masks will be required in Job Action HQ and on job action buses. Masks are encouraged but not required on the picket line.

Facilitating Communication with the Job Action Committee

Approved by the Executive June 2011

Reference to QUFA Staff members amended September 2013

Facilitating Communication among JAC, Executive, Negotiating Team and Staff

The President is an ex-officio member of the Job Action Committee (JAC) and will be included in all communications of the Committee.

When a decision has been reached by the JAC, the President will forward that decision to:

1. the Chief Negotiator and the Labour Relations Officer (QUFA Staff) to share with the bargaining team;
2. any QUFA Executive Officers not on the JAC and/or the whole QUFA Executive when appropriate;
3. the Executive Director and any other QUFA staff who need to be aware of the decision.

Communications to QUFA Members

All communications to members must be approved by the President and the Chief Negotiator. The Executive Director must be copied on any decision to post, email, mail or otherwise contact members and shall be sent a copy of the message.

When circulating drafts of member communications, the sender should clarify whether the draft is to be edited, approved or is for information purposes only, so as to avoid duplication of work.