

Policy on Decision-Making During the Collective Bargaining Process

University of Prince Edward Island Faculty Association

This policy defines the process by which decisions related to collective bargaining are made within and by the UPEI Faculty Association (UPEIFA or Association). Unless specified otherwise, all references to *Membership* or *Members* in this document refer to *Membership* or *Members* of the UPEI Faculty Association as defined in its Constitution and Bylaws and its collective agreements.

1. Mandate

The UPEIFA is the sole bargaining agent for each of its bargaining units as defined in the Certification Orders issued by the PEI Labour Relations Board

2. Authorities

2.1 Membership

The power to delegate authority to run the affairs of the Association, including collective bargaining, rests with the Association Membership. This authority is delegated to the Executive Committee. However, the authority to accept or reject a negotiated collective agreement or to authorize strike action rests with the members of the relevant bargaining unit.

2.2 Executive Committee

2.2.1 The Executive Committee has the authority to appoint a Negotiating Team and Chief Negotiator to negotiate collective agreements. The Executive Committee has the authority to select and appoint and, if necessary, to remove or replace any member of the Negotiating Team.

2.2.2 The Executive Committee has the authority to appoint a Job Action Committee and its Chair to plan, coordinate and execute any job action activities, including strike action, that may be necessary to support the collective bargaining process. The Executive Committee has the authority to select and appoint and, if necessary, to remove or replace any member of the Job Action Committee.

2.2.3 The Executive Committee is responsible for instructing and coordinating the work of both the Negotiating Team and the Job Action Committee.

2.2.4 The Executive Committee is responsible for developing and recommending bargaining positions for approval by the Association Membership of the relevant bargaining unit. The Executive Committee should ensure that the interests of its Association Members of the relevant bargaining unit have been represented during the formation of bargaining positions.

2.2.5 The Executive Committee, in consultation with the Chief Negotiator and the Chair of the Job Action Committee, shall have the authority to determine whether or not job action, including strike action, should be recommended.

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2.2.6 The Executive Committee has the authority to appoint any supporting committees it deems necessary.

2.2.7 The Association President has the authority to make decisions regarding negotiations between meetings of the Executive Committee. The President shall make every effort to consult as many members of the Executive Committee as circumstances permit before making such decisions.

2.3 Negotiating Team

2.3.1 A Negotiating Team shall be appointed as soon as is necessary to begin preparations for collective bargaining.

2.3.2 The Negotiating Team is responsible to the Executive Committee under the direction of the Chief Negotiator.

2.3.3 The Negotiating Team has the sole authority to represent the Association in negotiations with the Employer based on approved bargaining positions.

2.3.4 The Negotiating Team is responsible for developing all language with respect to the approved bargaining positions.

2.3.5 The Negotiating Team, through the Chief Negotiator, shall consult regularly with, report to and take instruction from the Executive Committee as to general strategy, progress and responses in principle to proposals from the Employer.

2.3.6 During times between Executive Committee meetings, the Negotiating Team, through the Chief Negotiator, shall report to and take instruction from the Association President.

2.3.7 The Chief Negotiator shall be the sole spokesperson on behalf of the Negotiating Team and shall have the authority and responsibility to delegate roles and responsibilities for the Team members.

2.3.8 Other members of the Negotiating Team may be permitted to address employer representatives, the Executive Committee or the membership but only when their expertise on particular negotiating issues requires it and only when authorized to do so by the Chief Negotiator.

2.4 Job Action Committee

2.4.1 A Job Action Committee shall be appointed prior to the start of formal negotiations with the Employer.

2.4.2 The Job Action Committee is responsible to the Executive Committee under the direction of its Chair.

2.4.3 The Job Action Committee has the responsibility to provide overall leadership, planning, coordination and execution of all job action activities, including strike action, that may be necessary to support the Negotiating Team in achieving an acceptable agreement once the collective bargaining process has commenced.

2.4.4 The Job Action Committee, through its Chair, shall consult regularly with, report to and take instruction from the Executive Committee as to job actions and strategies in support of the collective bargaining process.

2.4.5 During times between Executive Committee meetings, the Job Action Committee, through its Chair, shall report to and take instruction from the Association President.

2.4.6 The Job Action Committee Chair shall be the sole spokesperson on behalf of the Job Action Committee and shall have the authority and responsibility to delegate roles and responsibilities for the Committee members.

2.5 Supporting Committees

2.5.1 Other committees may be appointed by the Executive Committee to provide specific support to the collective bargaining process. The Executive Committee shall appoint the Chair and members of any such committee.

2.5.2 All such committees, through the Chair, shall be responsible to, report to and take direction from the Executive Committee.

2.5.3 During times between Executive Committee meetings, such committees, through the Chair, shall report to and take direction from the Association President.

2.5.4 All such committees shall have a research and advisory function only but should have the principal authority in its area of responsibility.

2.5.5 The Association President, other members of the Executive Committee, the Chief Negotiator and the Chair of the Job Action Committee may attend meetings of the supporting committees from time to time as observers or as experts on particular issues.

3. Reporting and Approvals

3.1 Reports on negotiations will be given regularly to the Association Membership of the relevant bargaining unit, and to those members of the relevant bargaining unit who are not Association Members, through meetings, negotiation bulletins or other acceptable communications. Any such reports will be presented by the Association President or designate.

3.2 Regular negotiations reports will be provided to the Executive Committee by the Chief Negotiator, or designate. Executive Committee feedback will be solicited by the Chief Negotiator on a regular basis.

3.3 Only Association Members of the relevant bargaining unit may attend any meeting, or portion of a meeting, held for the purpose of dealing with collective bargaining issues. However, when a ratification vote for a proposed collective agreement or a vote for strike action is being considered, or information relating to these two activities is being presented, those members of the relevant bargaining unit who are not Association Members may also attend that portion of the meeting.

3.4 During the period that a collective agreement is being prepared for and negotiated, the Chief Negotiator and Job Action Committee Chair, or their designates, shall attend all meetings of the Executive Committee at which negotiation issues are to be discussed.

3.5 Proposed contract language developed by the Negotiating Team, and based on the approved bargaining positions, shall be presented to the Executive Committee for approval prior to being submitted to the Employer.

3.6 If an agreement cannot be reached between the parties at the bargaining table, the Negotiating Team shall report to and take direction from the Executive Committee. The Executive Committee may elect to consult the Association Membership.

3.7 Prior to being signed off at the bargaining table, the Negotiating Team shall submit to the Executive Committee for approval any language that is likely to reach a tentative agreement.

3.8 When all articles have been agreed to by the parties at the bargaining table, the proposed collective agreement will be presented by the Negotiating Team to the Executive Committee.

3.9 The Executive Committee shall then decide whether or not it will approve the proposed collective agreement for recommendation to the membership of the relevant bargaining unit. The President, and/or designate, will then present the Executive Committee's position in respect to the proposed collective agreement to the members of the relevant bargaining unit for their consideration.

3.10 Once the membership of the relevant bargaining unit has been informed as to the Executive Committee's position, the proposed collective agreement shall subsequently be presented to the membership of the relevant bargaining unit for ratification by secret ballot.

3.11 In all cases where job action, excluding strike action, is deemed necessary by the Executive Committee, it will consult with the Association Membership of the relevant bargaining unit. In all cases where strike action is deemed necessary by the Executive Committee, it will submit this to a secret ballot vote of the membership of the relevant bargaining unit.

3.12 The President of the Association, except where authority has expressly been delegated otherwise, shall be the only spokesperson for the Association to the media on all negotiating matters.

3.13 The President of the Association shall be the contact person with CAUT concerning all collective bargaining matters, unless delegated otherwise by the President.