



LIFE CYCLE OF A COLLECTIVE AGREEMENT

Although Union Stewards are not directly involved in negotiations, members will come to you with questions, especially during bargaining. You can help them to understand the process through which this “living document” is created.

By Mary Kehoe
Labour Relations Staff

With more than 140 collective agreements negotiated and administered by AUPE, negotiations are always ongoing for one bargaining unit or another within the four sectors represented by your union. Next year will prove to be an exceptionally busy year for AUPE, with approximately 80 per cent of collective agreements either opening for negotiations or carrying over from previous years.

These include the “master” agreement and its nine subsidiary agreements affecting more than 23,000 Government of Alberta employees. In addition, the Alberta Health Services General Support Services contract, which was settled through an arbitrated decision released in July, will again expire April 1, 2017.

Collective bargaining is a regulated process, legislated under the Alberta Labour Relations Code, to achieve a first agreement

for a newly organized bargaining unit or to renew an existing collective agreement.

A collective agreement is a legally binding contract between your employer and the union, which sets out employee rights, compensation rates, benefits, working conditions and other entitlements within the employment relationship. Management also negotiates for their own rights in the bargaining process. These are referred to as “residual management rights,” which means that any right not curbed, abridged or otherwise limited by the agreed to terms of the ratified agreement is retained by management.

All AUPE collective agreements have an attached expiry date. Under the provisions of the Labour Relations Code, either party (usually the union) must serve notice to the other party to commence bargaining no sooner than 120 days and no less than 60 days to prior to the expiry date of the current collective agreement.

After notice to begin bargaining has been served, the provisions in the existing collective agreement remain in place, or are “bridged,” until a new agreement is ratified, or a strike or lockout commences.

Preparations for negotiations in AUPE start long before the expiry of a collective agreement. The first step is the election of a negotiating committee. Article 16 of the AUPE constitution sets out how the negotiating team (often called a bargaining committee) is elected from the members of the bargaining unit. An AUPE staff negotiator is appointed by the president to act as spokesperson during the negotiation process. Article 16 also sets out the role and expectations of the negotiating team, including reporting the progress of bargaining to the membership who elected them.

The members of the bargaining unit determine the mandate for negotiations. This mandate can be established by polling the membership through a survey to determine the wage increases, benefits and rights members want achieved through the bargaining process. Using the results from the survey, the negotiating committee is able to determine priorities and to prepare ongoing proposals to exchange with the employer.

The Labour Relations Code sets out the expectation that collective bargaining

should be done in “good faith” and that both parties must make every reasonable effort to enter into a collective agreement. Sometimes this is not always the case and bargaining can be a long process. However, the goal is to achieve a tentative agreement, a document containing all the changes and additions to the collective agreement that can then be taken to the membership for a vote.

Union Stewards, elected officers, work-site contacts and the bargaining committee all play a vital role in not only ensuring members submit responses to the initial survey used to determine the bargaining mandate, but also to take part in the democratic process used to determine their working conditions, benefits and rights. A good communication plan is vital to the bargaining and ratification process.

Regular meetings should be held to provide updates on the status of negotiations throughout the process.

Once a tentative agreement is reached, information sessions explaining the changes to the collective agreement, the bargaining committee’s recommendation and the

ratification process should be scheduled with enough advance notice to allow for good attendance. The purpose of these meetings is to ensure members are able to make an informed decision when voting on the tentative agreement.

If the members ratify the agreement, the president is required, as per Article 16 of the Constitution, “to sign and execute the agreement on behalf of the Union.” The employer must also ratify the agreement, and when both parties have done so the new agreement takes effect.

Union Stewards should make every effort to familiarize themselves with the changes to the collective agreement and any negotiated provisions that may apply to current or past members. For instance, in the recent arbitration decision for Alberta Health Services General Support Services, independent arbitrator Phyllis Smith awarded increases in each year of the three-year contract. For all hours worked effective April 1, 2014 until March 31, 2015 employees would receive a two-per-cent increase. For the second year of the contract beginning April 1, 2015 employees are entitled to a

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The next session of prerequisite courses and *Foundations for Union Stewards* will be offered at various AUPE offices from September to December. Registration for this session begins in August.

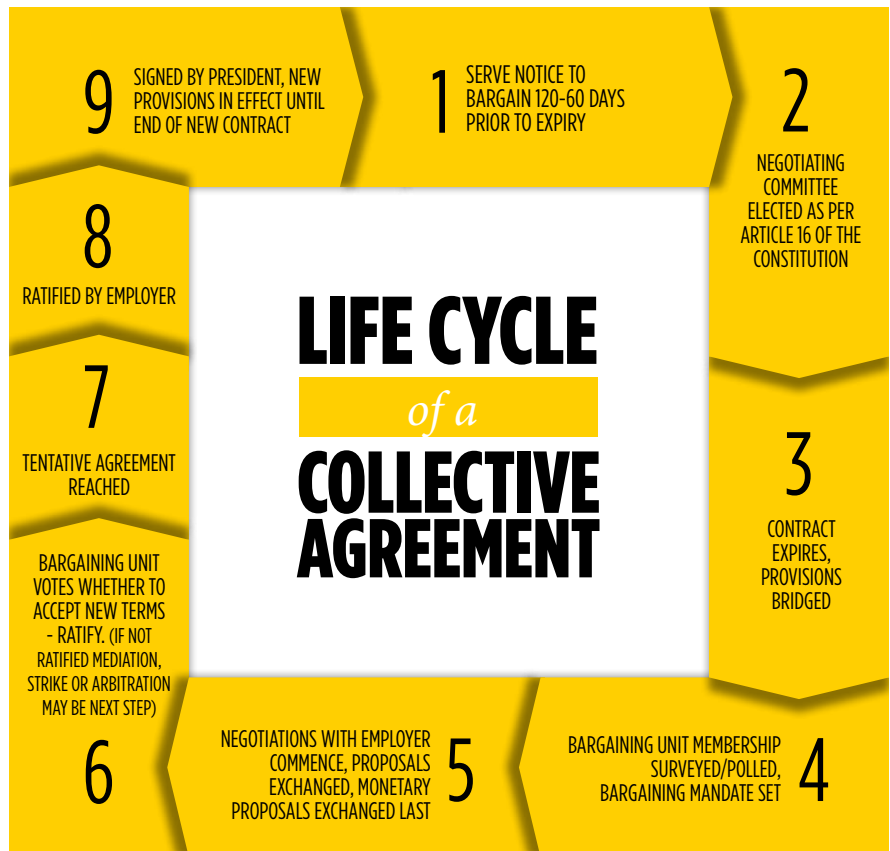
For more information or to enrol, call the Member Resource Centre at 1-800-232-7284.

further increase of two per cent, and in the last year of the deal a one-per-cent increase came into effect April 1, 2016.

The increases also applied to members who had terminated their employment during the period of negotiations and included a timeframe to make a claim to Alberta Health Services for compensation of retroactive wages for all hours worked in 2014, 2015 and 2016. Because of the lengthy course of bargaining, former employees of AHS General Support Services may not have been aware they were entitled to this benefit if not for conscientious actions of AUPE Union Stewards.

Once a new agreement is in place, Union Stewards play an important role in making sure all members can access the rights and protections it provides. Stewards can also help keep track of issues that could form the basis for new bargaining priorities during the next round of bargaining.

Active participation by knowledgeable Union Stewards helps ensure that AUPE collective agreements are valuable living documents that advance the rights and well-being of AUPE members. ■



HAVE QUESTIONS?

CONTACT YOUR MEMBER SERVICES OFFICER

CALL 1-800-232-7284

Have your local/chapter number and worksite location ready so your call can be directed quickly.



DID YOU KNOW ?

A GENERAL OVERVIEW OF THE NEW ONLINE REGISTRATION PROCEDURE

AUPE strives to empower its members through knowledge, offering a full slate of courses to help achieve this goal. Coming this fall a new online registration course will be rolled out to make signing up for education courses easier than ever. Here's a quick look at some of the functions that will make registering a breeze.

THE NEW ONLINE REGISTRATION WILL...

- Enable you to register yourself in AUPE courses through the AUPE website
- Walk you through registering for courses and ensuring appropriate prerequisites
- Count down the number of spaces left in a course
- Keep track of your course registrations
- Allow for automatic wait-lists
- Notify you of new courses in your area
- Contain your education history
- Store copies of all AUPE Education certificates

ONLINE REGISTRATION AT A GLANCE

- Sign in to the online registration system available at www.aupe.org using your member number
- Select course and date (the system will ensure you meet the necessary prerequisites)
- Receive acceptance email a few weeks prior to the course
- Confirm your attendance and attend course

Steward Notes is published by the Alberta Union of Provincial Employees to provide information of technical interest to AUPE Union Stewards, worksite contacts and other members. Topics deal with training for union activists, worksite issues, disputes and arbitrations, health and safety, trends in labour law, bargaining and related material. For more information, contact the editor.

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The goal of Steward Notes is to help today's AUPE Union Stewards do their jobs effectively. To help us, we encourage readers to submit story ideas that deserve exposure among all AUPE stewards.

Story suggestions for Steward Notes may be submitted for consideration to Communications Staff Merryn Edwards by e-mail at m.edwards@aupe.org. Please include names and contact information for yourself and potential story sources.

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