



Steward Educational Materials

OPSEU Local 565

October 19, 2015

If there is no struggle, there is no progress.

Those who profess to favor freedom, and yet depreciate agitation, want crops without plowing the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its many waters.

This struggle may be a moral one; or it may be a physical one; or it may be both moral and physical, but it must be a struggle.

Power concedes nothing without a demand. It never did and it never will.

- Frederick Douglass, abolitionist and statesman (1818 – 1895)

STEWARD EDUCATIONAL MATERIALS

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Part A: OPSEU Steward Oath

“I, _____, promise that I will uphold and obey the Constitution and policies of the Ontario Public Service Employees Union and the Bylaws of my Local, work with the Officers of the Local to represent the members, and fulfil the obligations and responsibilities of my elected position as Steward to the best of my ability.”

- See OPSEU Constitution 2015 Article 29.9.

Part B: Steward FAQs

1) What is a steward?

The steward is the face and representative of the union in the workplace. It's the steward's job to turn the contract (collective agreement) into a living protection of members' rights. Stewards see that the contract's provisions are honoured. They enforce it when they find violations. She/he is a resource if you have questions about the union, is your communicator or voice with management and also deals with grievances if necessary. We are also your link to your local and the larger union membership, conveying your interest and concerns in union meetings/conventions.

2) How can a steward help me if I have a concern/complaint/issue in the workplace?

A steward will first listen and document your concern/complaint/issue. They will discuss your options and offer you a context to decide what you want to do next. One option they may raise is that of filing a grievance if appropriate.

3) What is a grievance?

A grievance is a formal complaint against management that rights under the collective agreement have been violated. There are three kinds of grievances:

- **An individual grievance** (a unionized staff person believes their rights under the collective agreement has been violated);
- **A group grievance** (a group of unionized staff believe their rights under the collective agreement have been violated in the same way - and so they sign the grievance as a group); and
- **A policy grievance** (the union believes that management is misinterpreting the language of the collective agreement).

4) How and when do I contact my steward?

If you need to reach a steward, you can approach the steward in person, send an email or leave a voice mail. The steward will talk to you at their first opportunity about your concerns, often outside work hours, at breaks or before or after work. They will also discuss how the matter relates to the collective agreement.

5) What does a steward not do?

A Steward's role is to oversee the collective agreement and to support unionized staff in enforcing the collective agreement. If an issue arises that is not covered by the terms and conditions outlined in the collective agreement, the steward may indicate they do not have a role. It still is valuable, however, to alert the LEC to these issues so they can determine their role, if any.

Part C: 15 Things Every Steward Should Know

1. You don't have to be an expert.

Stewards are always being asked questions. Don't act like you know what you're talking about when you don't – your friends and your co-workers will see through it right away. Say you'll find out, and get back to them.

2. Figure out where to turn for answers.

Your union officers and staff should be knowledgeable in contract interpretation and many areas of labor law. Other union activists can be important people to rely on. And depending on where you work, on the job there are undoubtedly a few people who work in different offices or departments who know more than anyone what goes on behind management's closed doors.

3. Knowing how to delegate tasks is your most important skill.

Recruiting volunteers is an easily learned skill. Some people do it naturally, others benefit from specific training in recruiting or team-building.

4. If you try to do it all yourself, it won't work.

You won't be able to do anything as well as you could, You'll get frustrated, and then you'll burn out. The more people you get involved, the more you can accomplish.

5. Your job is to empower people.

Give a man a fish, he'll eat for a day. Teach a man to fish, he'll eat for a lifetime. If all you do is solve other people's problems for them, what are they going to do when you're not there? Help people learn how to solve their own problems.

6. Ask a lot of questions.

Socrates didn't become famous for nothing. The best ideas come from picking a lot of people's brains and getting them to think about old problems in new ways.

7. Learn how to listen.

With grievances and personnel problems, sometimes just being willing to listen is the most important thing you can do. When you're organizing you need to know how other people feel and how they view the situation before you can influence them. Ask and listen.

8. Don't let management treat you like pond scum.

When you're representing your co-workers as their union steward you are co-equal with the supervisor you're dealing with. You're both intelligent adults. On the job, your supervisor may have authority over you. But on union business, you're his or her equal.

9. Never assume that management knows better than you.

Most supervisors have little understanding of contract rights or labour law. They have experience in program or production and in supervision. Anything you learn about employee's rights on the job makes you more of an expert in that area than they are.

10. Pick your fights.

Defending your fellow employees is an important part of a union steward's job, but if that's all you do you're always on the defensive. If you identify issues and take the initiative to demand changes, you'll make important progress. Don't let management control the agenda. Be proactive and pick the issues that you think you can make some headway on.

11. Always get back to people.

If you want your co-worker to have trust in you, you've got to be responsible and reliable. Don't promise things you can't deliver on and be sure to follow through on what you do commit to.

12. Be organized in your own life.

Pick a system and keep to it. How are you going to keep track of appointments and meetings? Where are you going to keep notes and reminders to yourself? Throw out papers you don't need, and have a good system for finding the stuff you keep.

13. Be a responsible employee on the job.

Not only is this important if you want your coworkers to have respect for you and your opinion, but it keeps you from getting into unnecessary trouble with management.

14. Maintain a sense of humor.

On the one hand, ridicule can be a powerful weapon against an irrational supervisor. On the other, don't take yourself too seriously. If you get self-righteous you won't learn from your mistakes and you'll turn people off.

15. Keep your eyes on the prize.

There will be setbacks. There will be losses. Sometimes people will get angry at you, and sometimes you'll start to wonder if it's all worth it. But as long as you remember that collective action is the only real way to change things for the better, you'll know that in the long run, helping build the union is the best thing you can be doing – for yourself and your family

Notes: _____

Part D: Handy Reminders for Union Stewards

1. What does a Union Steward do?

- a. Make the contract work. It's the shop steward's job to turn the contract into a living protection of our members' rights. Stewards see that the contract's provisions are honoured. They enforce it when they find violations.
- b. Provide effective, democratic leadership in the workplace. Members often judge the union by their steward. That's the only union representative they see. An effective steward will create loyal members, and an employer that toes the line.
- c. Build the local union. The steward keeps in touch with the members and educates them. A well-informed local is a strong local. The steward makes sure everyone he or she represents has signed a union membership card. The steward also represents OPSEU outside the workplace and looks for contacts in unorganized government-financed workplaces who might want to join OPSEU.

2. Tips for stewards

- Listen to your membership. They are the union. Get to know new members.
- Encourage your members to attend union meetings, classes and social events.
- Tell your members about union policies, services and activities.
- Have accurate information to fight rumours and anti-union propaganda.
- Handle grievances promptly, but don't promise to win.
- Treat all members equally.
- Be politically aware: seek support for candidates who back your union causes.

3. What does a steward have to know?

- a. Know your contract, and keep it handy. Every clause is important, especially your grievance procedure. Know how it works and what it can do.
- b. Know the seniority and job classification lists for the members you represent.
- c. Know your employer. Know the policies, rules, regulations and practices of your workplace.
- d. Know your supervisors. Know how they operate and how much power they have.
- e. Know your own members. Understand their concerns and worries.
- f. Know your local union. Attend local meetings, and know what the local is doing.
- g. Know labour law. Know how it affects your members and the union.
- h. Know what OPSEU is doing. Keep up on union policies and activities through OPSEU communication. Consider signing up for the OPSEU email news update. Share the knowledge you gain with your members.
- i. Know your strengths and limitations. If you have a question, seek answers and advice from other local leaders and your regional office.

4. What is a grievance?

When a member comes to you with a problem, you have to decide whether it is a legitimate grievance. Ask yourself the following question:

Does the problem involve a violation of:

- The collective agreement/contract;
- The law (employment standards act, human rights code, etc.);
- An employee's rights (unfair treatment);
- A past practice?

If you answer "Yes" to any of these questions, it's a grievance.

When dealing with a supervisor

Know the facts and stick to them. Don't get side-tracked.
Listen carefully. Be calm when arguing your side.
Avoid personalities. Deal with the issues.
If you must disagree with the supervisor, do so with dignity.
Don't bluff or threaten.
Don't "horsetrade". Settle each grievance on its merits.
Record the employer's arguments for future reference.
Ensure the grievor understands what is happening

5. Follow the four steps for dealing with a grievance

Step one: Get the facts (and use Appendix A: Initial Contact Report form)

- Listen to the people concerned.
- Write the answers to these questions:
 - Who is involved?
 - What are their classifications?
 - Where do they work?
 - What happened?
 - When did it happen? (date/time)
 - Where did it happen?
 - What part of the Collective Agreement or law has been violated?
 - What does the grievor want done to settle the grievance?
- Get copies of any relevant letters, memos, policies, emails or other documents.

Step two: Advise & consult your Chief Steward

- Discuss the problem with the chief steward in your Local

Step three: Help the grievor

- Discuss the merits of the case with the grievor.
- Help the grievor handle the first stage with the immediate supervisor.
- Help the grievor complete the grievance form. *Make sure the grievance is filed within time limits!*
- Go with the grievor to any meetings under the grievance procedure.

Step four: Follow through

- Ensure that the grievor gets written replies from management on time at each stage.
- Send copies of all correspondence to your Unit- or Chief Steward and/or Executive member.
- Tell your staff representative as soon as a grievance is settled, withdrawn or needs to move forward to arbitration.

Be fair, firm and friendly! A problem that may not be a grievance today could justify a demand at negotiations tomorrow!

Part E: Grievance Timelines and Process

L565 AGCO	GRIEVANCE	PROCESS		
	ACTION(S)	WHO	WHAT	WHEN
COMPLAINT 10.02.a	Meet supervisor to complain	Grievor	Discuss issue	Within 10 days of circumstances
		Supervisor	Settle issue	10 days to settle issue (Supervisor Settlement date)
		Grievor	Contact steward	Written grievance must be filed within 10 days from Supervisor Settlement date
STEP 1 10.02.b	File written grievance and specify articles	Grievor/steward or Chief Steward	Give grievance to Supervisor	Within 10 days from Supervisor Settlement date
	Send grievance to Regional Office	Grievor/steward or Chief Steward	Email copy to RO Secretary	When given to supervisor
		Supervisor investigates/replies		Written response within 10 days of written grievance
STEP 2 10.02.b	Status update	Grievor/steward or Chief Steward	Advise Staff Rep and RO Secretary if filing at Step 2 or settlement	As soon as filed at Step 2 or when settled
	File grievance to CEO (designee)	Steward/Staff Rep or Chief Steward	Submit grievance at Step 2 to CEO (designee)	Within 5 days from Supervisor response
	Schedule Step 2 meeting	CEO (designee)		Within 20 days of having received grievance
STEP 2 10.02.b		CEO (designee)	Decision	Within 10 days of Step 2 meeting
	Status update	Grievor/steward or Chief Steward	Advise Staff Rep and RO Secretary if filing for arbitration or settlement	Within 15 days from Step 2 response or when settled
	Arbitration	Union files through Regional Office	Staff Rep (RO Secretary) notifies Director Admin and Systems that union is filing for arbitration (unless settlement received)	Upon instruction or within 60 days from date on grievance
ARBITRATION (STEP 3) 10.10				
DISMISSAL 10.05	File at Step 2	Steward/Staff Rep	Written grievance	Within 10 days
Union/Employer	**Contact Staff Rep			

NOTE: Days = working days

Part F: Process to represent a member through discipline

1. Receive notice from Local Executive or be asked by a member to attend a discipline meeting.

OPTION: You may want to contact Human Resources/Local Executive and ask what is going on/what has given rise to the meeting. You may choose NOT to share this information with the member depending on the nature of the concern.

2. Notify your Manager that you will be attending a meeting and reference your Collective Agreement language re: representation (ask your Local Executive if you cannot locate this language).
3. At meeting, let mgmt. present their concern in its entirety. Note if their presentation concerns an event/date/time/location or if it is general concerns. Document the facts they present through notes. Watch the reaction of the member - you are present both to document the proceedings and to provide support.

OPTION: If there is a break in the process, request a private caucus with the member by asking mgmt. to leave the room. Once mgmt. has left, remind member that "anything they say can and will be used against them" and so they need to limit discussion to simple yes/no or simple short answers. **Ensure you arrange a signal with the member that will halt them talking should you need it (ie. tap on the foot).**

4. Invite mgmt. back into the meeting to continue the meeting. Ensure mgmt. questions pertain to facts and not impressions. If the questions are vague and/or without factual foundation, point this out to mgmt.. Ensure answers are specific and address the issues raised.

NOTE: It may be that Mgmt will want to discipline the member. You cannot stop this but only grieve if it is a violation of the CA (think about which specific articles).

5. If Mgmt. wants to hand over a letter, take it (no choice - can only grieve). If the letter or the process is unfair, you may want to tell them your concern. You are their equal in the room.
6. Forward meeting notes to the Local Executive with any issues/concerns you may have. Discuss issues that may warrant a grievance.
7. Return to your workplace and notify your Manager that you have returned.

Part G: Process to represent Member through grievance process

1. Receive initial approach from member or as referral from the Local Executive.
2. Complete Initial Contact Report form. If the issue is too long or involved, ask member to write a description of issue rather than have you write down statement - suggest they write a chronology of events with documentation substantiating each event appended. Ensure you indicate on the ICR form if you wish to continue acting as the steward in the case.
3. Deliver form to Local Executive. [NOTE: If issue demands immediate attention, please contact the Chief Steward to discuss urgency.]
4. If issue demands meeting with mgmt., contact and inform Human Resources about issue in general terms.
5. Schedule meeting with HR, Manager, the member, and you.
6. Meet at least ½ hour in advance of the meeting with the member, review ICR form and together write a list of questions to ask Manager.
7. In the meeting, have the member read the questions to the Manager. Ensure only the questions that are written are asked - keep the conversation limited to the issue at hand. Remember to take good notes of Manager's answers.
8. Upon receiving responses from Manager, caucus (ie. without mgmt. present) with the member to establish next line of questioning and write out new questions as necessary, repeating step 6 & 7 as appropriate.
9. At end of meeting, contact Local Executive to discuss filing grievance.

NOTE: All grievances must be filed within the timeframe indicated in your Collective Agreement (ask a member of the Local Executive if you do not know what the timelines are).

Part H: Specific language to be used in a grievance

Personal information

Include all ...

OPSEU Local No.: **565**

Date of hire: **Day/Month/Year** or **Month/Year** or **Year**

Employed by Ministry/College/BPS: **AGCO**

Sector: **20 - BPS**

Statement of grievance

I grieve [The Union grieves] that my [its] rights under the Collective Agreement have been violated, **including but not limited to** articles *XYZ*, and any other article, Act, rule of law, policy or past practice deemed applicable in *XYZ circumstance* [letter given (mention date), the right denied (mention date), specifics].

Settlement desired

Full disclosure

Full redress

To be made whole

Cease and desist [if applicable]

Ensure specific settlement is indicated [\$\$, repayment of lost wages including interest, replenishment of leave balances, reinstatement of entitlement, removal of letter dated XX, public declaration that mgmt. has violated *XYZ*, etc.]

Any other remedy deemed appropriate by an arbitrator.

Signatures and names:

President must sign ALL grievances before they are forwarded to mgmt./HR.

Part I: Duty of Fair Representation

History

The duty of fair representation was initially articulated by the United States Supreme Court in the 1944 when it held that collective agreement provisions that discriminated against African American members of the bargaining unit were a violation of an implied duty of fair representation. (See *Steele v. Louisville & Nashville Railroad Co.*, 323 U.S. 192, 65 S.Ct. 226 (1944))

In Ontario

In Ontario, a union's duty of fair representation is codified in section 74 of the Labour Relations Act, 1995 and duty of fair representation complaints are exclusively brought before the Ontario Labour Relations Board ["OLRB"].

The Ontario Labour Relations Act, 1995 sets out the statutory duty of fair representation:

74. A trade union or council of trade unions, so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any constituent union of the council of trade unions, as the case may be.

The Three Elements: Arbitrary, Discriminatory or in Bad Faith

In the face of a DFR complaint, the OLRB has generally sought to determine whether there has been arbitrary, discriminatory or bad faith conduct. Unions are prohibited from engaging in any one of the three forms of misconduct in the representation of its members in connection with the employer.

In *Mirza Alam* [1994] OLRB Rep. June 6 to 7, at para. 69, the OLRB defined the key elements of the duty of fair representation:

- a. "arbitrary" - that is flagrant, capricious or grossly negligent;
- b. "discriminatory" - that is, based on invidious distinction without labour relations rationale; or
- c. "in bad faith" – that is, activated by ill-will, malice, hostility or dishonesty.

While the standards are high, a union does not always have to be right in its decisions when providing representation to its members. In fact, unions can make mistakes and even be apparently negligent in their actions without being found to have violated their duty of fair representation. Flagrant errors or gross negligence may, however, be found to be violations of the statutory duty of fair representation.

The OLRB's role in assessing a DFR application is not to second guess a union's decision, to review it to ensure that the conduct was not arbitrary, discriminatory or in bad faith.

Part J: Introduction to Management Rights

Each employee participates in the fundamental industrial relationship: they are paid to perform a job function - and because they are paid, they are subject to the direction provided them by management. This direction can not be a violation of law or statute, but the scope of management rights may be deemed to be quite broad.

In a unionized workplace, the presence of a collective agreement limits these broad management rights by the provisions of the agreement.

When attempting to reconcile management rights with both a collective agreement and work practice (what happens in the workplace - by policy or practice), we turn to what are called the **KVP principles** which were identified in a labour arbitration award KVP Co. Ltd., and Lumber & Sawmill Workers' Union, Local 2537, 1965).

This is what constitutes what is known as KVP Principles:

1. The employer's rule cannot be inconsistent with the collective agreement. It doesn't make sense to have a contract that sets out how things will be done, if the employer can turn around and make a rule that contradicts it.
2. The rule cannot be unreasonable. The rule must seem reasonable; i.e., there must be a valid operational reason for the rule, or it may comply with a legal requirement.
3. The rule must be clear and unequivocal. Terms or directions must be clearly stated before employees can be expected to observe them. It's that simple.
4. The rule must be brought to the attention of employees before the company can act on it. Management cannot introduce a rule, fail to tell an employee about it, and then discipline for violating it. This applies to new work rules more than to old ones.
5. The employee must be notified of the consequences of failure to abide by the rule. For example, that a breach of the rule could result in discipline, if the rule is to be used as the reason. (Even then, a union may still contest a penalty it considers unreasonable.)
6. A rule must be consistently enforced by the company from the time it is introduced. It doesn't mean that everyone must receive the same punishment for a violation - progressive discipline still applies, for instance. However, employees cannot be singled out or penalized in a discriminatory manner.

Note: KVP refers to rules that have been unilaterally adopted by the company, without consultation or signoff by the union. As for rules contained in a collective agreement, KVP established that "a breach of such rules as agreed to will be followed by the agreed upon penalty and the arbitration board will not interfere."

APPENDIX A: OPSEU LOCAL 565
(ALCOHOL AND GAMING COMMISSION OF ONTARIO)
BYLAWS 2014-09-25

1. Interpretation and Abbreviations

- 1.1 “Union” refers to the Ontario Public Service Employees Union and not any subsidiary body.
- 1.2 “Constitution” refers to the Constitution of the Union.
- 1.3 “Convention” means Convention of the Union.
- 1.4 “Executive Board” refers to the Executive Board of the Union.
- 1.5 “Member” refers to an individual who is a member in good standing with the Union and who belongs to Local 565.
- 1.6 “Employer” refers to the Alcohol and Gaming Commission of Ontario (AGCO) which has 37 worksites – See Schedule A attached.

2. *Context*

- 2.1 The authority and process for the creation of bylaws for Local 565 is set out in Article 12.5.1 and 12.5.2 of the Constitution.
- 2.2 Local 565 shall be understood to be a single-unit local in accordance with Article 12.2.5 of the Constitution.

3. *Aims and Purposes*

- 3.1 The aims and purposes of Local 565 shall be:
 - 3.1.1 To improve working conditions for and the general advancement of AGCO employees;
 - 3.1.2 To have elected leadership that is accessible to the entire membership of Local 565 and to provide:
 - Communication
 - Education to all members
 - Collective Bargaining
 - Information
 - Member Mobilization.

4. Local Executive Committee (LEC) and Officers of the Local

- 4.1 The Local Executive Committee shall administer the affairs of the Local in accordance with the Constitution, these bylaws and the wishes of the members of the Local.
- 4.2 The Local Executive Committee shall be comprised of an unlimited number of stewards and the following eight (8) Executive Officers: a President, a First Vice-President, a Vice-President of Equity, a Vice-President of Health and Safety, a Treasurer, a Secretary, a Chief Steward and an Assistant Chief Steward – in addition to an unlimited number of Stewards. These positions are elected by and from the Local membership. On the invitation of the Local, the immediate Past President of the Local may serve on the LEC as an ex-officio Member with voice but no vote.
- 4.3 The duties of the Officers shall be as follows:
- 4.3.1 General Duties:
- Attend all LEC meetings;
 - Travel to work locations of members across the province;
 - Provide education to mobilize local Stewards and members;
 - Approve expenditures over \$1,000.00;
 - Ensure expenditures over \$10,000.00 are approved by the members;
 - Perform all such other duties as shall be deemed necessary from time to time by the LEC.
- 4.3.2 The President shall preside as Chair at all Local Executive Committee meetings, special meetings and meetings of the Stewards and:
- Enforce compliance with the Constitution and Bylaws of the Union and Local;
 - Act as the official spokesperson for the Local;
 - Supervise the affairs and operations of the Local;
 - Be permitted to spend up to \$250.00 without approval from the LEC and subject to ratification at the next LEC meeting;
 - Forward requests for book-off time to Human Resources of the AGCO, with copies to the President and Member involved.
 - NOTE: The President shall receive an annual \$500 honorarium.

- 4.3.3 The First Vice-President shall assist the President in carrying out official duties and:
- Assume the duties and powers of the office of the President in the temporary absence or incapacity of the President;
 - Attend all functions (including all regional meetings and Conventions) of the Union, in place of the President when the President cannot attend.
- 4.3.4 The Vice-President, Equity shall assist the President in carrying out official duties and:
- Serve as the Officer responsible for equity issues in the Local.
- 4.3.5 The Vice-President, Health and Safety shall assist the President in carrying out official duties and:
- Serve as the Officer responsible for health and safety issues;
 - Serve as liaison among the LEC and the members of the AGCO Joint Health and Safety Committee and Health and Safety Representatives across the province.
- 4.3.6 The Secretary shall be responsible for:
- The correspondence of the Local;
 - The minutes of meetings, including distribution;
 - The distribution of notices to members;
 - The maintenance of the membership lists including names and current addresses and other contact information (phone, e-mail);
 - The forwarding of all pertinent membership information to the union's regional office.
- 4.3.7 The Treasurer shall be responsible for the financial transactions of the Local, including:
- Preparation of an annual budget;
 - Accountability for transactions with the Local's financial institutions.
 - NOTE: The Treasurer shall receive an annual \$300 honorarium.
- 4.3.8 The Chief Steward shall:
- Supervise and assist the shop stewards;
 - Maintain a log of active grievances;
 - Maintain the archive of local grievance settlements.
- 4.3.9 The Assistant Chief Steward shall assist the Chief Steward in carrying out official duties as described in 4.3.8.

4.3.10 Shop Stewards shall be a resource to members of the Local concerning the Collective Agreement and the rights of the membership and:

- Represent members through the stages of the grievance process;
- Travel to provide services to members who do not have a Steward on-site;
- Perform other duties as may be deemed necessary by the LEC or membership;
- One Steward will be designated the Environmental Steward.

4.3.11 The Local shall elect an audit committee composed of two members to be known as **Trustees** who may not hold any other office in the Local. They shall hold office for a two-year term.

- When a Trustee resigns mid-term, the President will call an election to fill the position for the remainder of the term;
- The Trustees shall examine all books, records, and properties of the Local, twice each year including filing an audit report. All Officers of the Local are required to make available all necessary documents to the Trustees on reasonable notice;
- The Trustees shall, in a form specified by OPSEU Headquarters, complete the audit every six months and make a full report to the membership.

4.4 Meetings of the Local Executive Committee shall be conducted in the following manner in accordance with Article 29.2 of the Constitution:

4.4.1 There will be no fewer than four (4) meetings per year;

4.4.2 Regular meetings of the Local Executive Committee shall be called by the President with at least four (4) weeks' notice. The notice shall set out the date, time, place and agenda of the meeting;

4.4.3 Notice of a regular meeting, including request for book-off time, if necessary, shall be sent by the President to the Employer and copied to the Steward involved and the OPSEU Staff Representative;

4.4.4 Emergency meetings may be called by the President in accordance with Article 29.2.2 of the Constitution and may be conducted by telephone conference call or such other method as may be deemed appropriate;

4.4.5 A quorum for meetings of the Local Executive Committee shall be 50 per cent of the total number of members of the Local Executive Committee.

5. *Elections within the Local*

5.1 Term of Office

- 5.1.1 The term of office for Shop Stewards and all Officers of LEC shall be no more than two years;
- 5.1.2 Local elections may be held in either even or odd-numbered years, subject to the requirements of Article 29.4 of the Constitution and in accordance with Article 5.2 of these Bylaws;
- 5.1.3 Any Member of the LEC may stand for re-election, provided that an Officer is first re-elected as a Shop Steward. A Member must be re-elected a Steward first to be considered for re-election to the LEC.

5.2 Election of all Stewards and Local Executive Committee shall be conducted in accordance with Article 29.4.1 of the Constitution.

- 5.2.1 Mid-term vacancies occurring among Stewards or Members of the LEC shall be filled promptly, by election in accordance with Article 29.4.2 of the Constitution and Article 5.1.2 above, except where the vacancy occurs within three months of the expiry of the term of office. In every case of filling a vacancy, the new incumbent shall serve only the unexpired portion of the term of office in question.

6. *Bargaining Team and other Local Elections*

- 6.1 The Local shall elect a **Bargaining Team**, according to the Local's Negotiations Procedures.
- 6.2 Each year an election will be held for **Delegates to the Annual Convention as well as Alternates and Observers** in accordance with OPSEU policy. The expenses of Alternates and Observers will be paid by the Local and according to the procedures above.
- 6.3 The Local's eligibility for the number of Delegates and Alternates to Convention will be determined as per Article 13.4 of the Constitution annually based on OPSEU membership figures for the Local.
- 6.4 The President is an automatic Delegate to Convention.

7. *Local Membership Meeting*

- 7.1 Local meetings shall be called a minimum of twice per year by the Local Executive Committee.
- 7.2 A quorum for a Local meeting shall be in accordance with Article 29.8.2 the Constitution.
- 7.3 The Local Executive Committee shall set the date, time and place of the Local Membership Meeting and issue appropriate notice to all members, 30 calendar days prior.

- 7.4 Motions will be accepted from the membership no later than 15 days prior to the Local Membership Meeting; motions will be sent to all members.
- 7.5 Upon the written request of ten per cent (10%) of the membership, a special Local Membership Meeting will be called, as per Article 7.3 above. Notice of said Meeting will contain full particulars of any issues or motions to be brought forward.

8. *Local Bylaws and their Amendment*

- 8.1 Members of Local 565 may put forward proposed amendments to these Bylaws in writing at any time. Notice of such proposed amendments shall be given to the Local Executive who shall circulate them to the Members.
- 8.2 The written form of the Bylaw amendment shall be set out and dealt with as follows in accordance with Article 12.5.1 of the Constitution.
- 8.3 These Bylaws and all amendments shall be subject to the approval of the President of OPSEU in accordance with Article 12.5.2 of the Constitution.
- 8.4 In all matters not specifically dealt with above, or where conflict arises, these bylaws shall be subject to the provisions of the Constitution and/or policies.
- 8.5 These Bylaws shall be reviewed at least every 3 years.

9. *Resolutions to Convention*

- 9.1 When members of Local 565 identify a policy, course of action or Constitutional Amendment that should be undertaken by OPSEU (provincially), a proposed Resolution or Constitutional Amendment will be submitted to the President of Local 565.
- 9.1.1 The submission should include:
- a Mover;
 - a Secunder;
 - The Resolution wording which is a change to or new direction for policy, action or the OPSEU Constitution;
 - A rationale.
- 9.1.2 The proper format should be in two parts:
- One or more “WHEREAS” clauses, explaining why the proposal is being made; and
 - One or more “THEREFORE BE IT RESOLVED” clauses (i.e., the proposal itself) for which the Convention actually votes.

- 9.2 The annual deadline for submission to the President shall be December 1st.
- 9.3 A Membership Meeting will be called to debate and vote on Resolutions or Constitutional Amendments to the OPSEU Convention in January of the new year.
- 9.4 If approved, the President will forward the decision on to the Resolutions Committee Chair or the Constitutional Amendments Committee Chair at OPSEU as per the current year's deadlines.

Approved at the L565 General Membership Meeting, September 25, 2014.

SCHEDULE A: AGCO SITE PROFILE

1. Headquarters – 90 Sheppard Avenue East, Toronto
2. IT & Corporate Services – 100 Sheppard Avenue East, Toronto

ELECTRONIC GAMING & COMPLIANCE ENFORCEMENT STAFF

3. Ajax Downs
4. Brantford Charity Casino
5. Casino Niagara
6. Casino Rama
7. Caesar's Windsor
8. Clinton Raceway
9. Dresden Raceway
10. Flamborough Downs (Flamborough)
11. Fort Erie Racetrack
12. Georgian Downs Racetrack (Barrie)
13. Grand River Raceway (Elora)
14. Great Blue Herron Charity Casino (Port Perry)
15. Hanover Racetrack
16. Hiawatha Race Track (Sarnia)
17. Kawartha Downs (Fraserville)
18. Mohawk Raceway (Campbellford)
19. Niagara Fallsview Casino
20. Point Edward Charity Casino
21. Rideau Carleton (Ottawa)
22. Sault Ste. Marie Charity Casino
23. Sudbury Downs
24. Thousand Islands Charity Casino (Gananoque) ***
25. Thunder Bay Charity Casino
26. Western Fair (London)
27. Windsor Raceway
28. Woodbine Raceway
29. Woodstock Raceway

*** INTEGRATED UNIT: I&E, Gaming Registration & Compliance

REGISTRATION & ENFORCEMENT UNITS

30. London Regional Enforcement Unit (150 Dufferin Avenue, London) ***
31. Niagara Regional Enforcement Unit (4342 Queen Street, Niagara Falls) ***
32. Orillia Regional Enforcement Unit (700 Memorial Avenue, Orillia) ***
33. Ottawa Regional Enforcement Unit (1547 Merivale Road, Ottawa) ***
34. Sault Ste. Marie Regional Enforcement Unit (740 Great Northern Road – SSM) ***
35. Sudbury Regional Enforcement Unit
36. Thunder Bay Regional Enforcement Unit (189 Red River Road, Thunder Bay) ***
37. Windsor Regional Enforcement Unit (250 Windsor Avenue) ***

*** INTEGRATED UNITS: I&E & Gaming Registration

NOTE: No Gaming Registration in Sudbury; done from Orillia.

LM: September 18, 2009

APPENDIX B: OPSEU Local 565 AGCO Negotiating Procedures (Sept 25, 2014)

1. Negotiating Procedures

- 1.1 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 Alcohol and Gaming Commission of Ontario (AGCO) Bargaining Unit of OPSEU, Local 565.

2. Purpose and Structure

- 2.1 The AGCO Bargaining Unit (BU) consists of the employees in the AGCO bargaining unit represented by OPSEU. Only OPSEU members in good standing may take part in the pre-bargaining activities of the unit, 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.
- 2.2 The AGCO Bargaining Unit carries out its mandate through:
 - a. A bargaining survey
 - b. A Demand Set survey
 - c. A final Demand Setting meeting
 - d. JCC as per their Local Bylaws
- 2.3 The AGCO Bargaining Unit elects a Local Executive Committee (LEC), which has certain responsibilities for collective bargaining as set out in the procedures below. The other responsibilities of the LEC are outlined in the Local Bylaws.
- 2.4 The LEC appoints a Joint Consultation Committee (JCC) to manage the affairs and deal with employment issues with the employer outside of negotiations in accordance with Article 11 of the Collective Agreement. The JCC 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.

3. Bargaining Team Elections

- 3.1 Any member in good standing may stand for election to the Bargaining Team regardless of whether or not he/she is a delegate provided there is a nomination received in writing.
- 3.2 The AGCO Bargaining Unit will elect the Bargaining Team in a two staged process conducted by registered mail:
 - a. Nominations
 - b. Election
- 3.3 At least ten (10) months before the expiration of the Collective Agreement, the LEC shall conduct a mailing to each bargaining unit member in good standing, inviting them to nominate a bargaining unit member in good standing by way of the nomination form. The nomination form must be signed and dated by both the nominator and the nominee and returned to the Staff Representative by the deadline indicated.
- 3.4 The nomination form shall offer nominations for a five (5) member Bargaining Team. Four (4) members of the bargaining team shall be elected to represent the following Branch areas of the AGCO:
 - The Licensing & Registration Branch;
 - The Inspection and Investigation Branch;
 - The Audit & Gaming Compliance Branch;
 - The Corporate Services, Support & Communications, Gaming Lab, Strategy and Policy, and Legal Branches.

The President of the Local will serve as the automatic member of the bargaining team as a Member-at-Large, representing all members of the bargaining unit on the Bargaining Team.
- 3.5 There shall also be elected up to two (2) alternates to the Bargaining Team from those nominated as Bargaining Team members. These alternates shall participate in bargaining team training. Alternates shall participate in negotiations only when they are replacing a Bargaining Team member who is unable to attend.
- 3.6 Upon the deadline for nominations, the LEC and Staff Representative or designate shall review the nomination forms and identify if any of the positions on the Bargaining Team have been acclaimed (where there is a single incumbent nominated for the position).
- 3.7 A second election mailing shall be sent to each bargaining unit member in good standing in accordance with the Double Blind Ballot process outlined below. Only those members who were duly

nominated shall be included on the ballot. The ballot must be returned to the Staff Representative (or designate) by the deadline specified to be counted.

3.8 In tabulating the results of the Election ballot, the candidate from each Branch area where an election is required who gains the most votes shall be elected the Representative from that Branch area. Once the Branch area Representatives have been identified, the two candidates with the next greatest number of votes shall be elected as the two (2) alternates in ranked order.

3.9 The members of the Bargaining Team will elect a Chair and Secretary.

4. The Bargaining Survey

4.1 Prior to the official notification to bargain a new Collective Agreement the Bargaining Team will circulate a bargaining survey to determine the major interests and concerns of the membership for the next round of bargaining. The bargaining survey is the first stage of each round of bargaining. It will be circulated as early as possible to help achieve the objective of negotiating the best possible agreement before the current language expires.

4.2 The OPSEU Staff Representative in consultation with the Bargaining Team will determine the best method available to distribute, collect and collate the results of the survey so as to receive feedback from all AGCO bargaining unit members. The results will form the basis of the Demand Set Survey.

5. Demand Set survey

5.1 Following the tabulation of the Bargaining Survey, the Bargaining Team shall oversee the circulation of a Demand Set survey for the purpose of setting bargaining proposals and establishing priorities for the upcoming round of negotiations. The Bargaining Team will determine the best method available to distribute, collect and collate the results of the survey so as to receive feedback from all AGCO bargaining unit members.

5.2 The results of this survey will be analyzed by the Bargaining Team to create the documentation for the Provincial Demand Setting meeting. The results will also be used as a general consensus of the Memberships demand priorities.

6. Demand Set meeting

- 6.1 Each Department of the AGCO Bargaining Unit shall send delegates to the Demand Set meeting at which the material from the Demand Set survey shall be reviewed, according to the following formula:

The number delegates and alternates sent shall be based on a ratio of one (1) delegate and one (1) alternate for every multiple of eight (8) bargaining unit employees from each of the following Branch areas of the AGCO:

- The Licensing & Registration Branch;
- The Inspection and Investigation Branch;
- The Audit & Gaming Compliance Branch;
- The Corporate Services, Support & Communications, Gaming Lab, Strategy and Policy, and Legal Branches.

i.e an area of forty (40) bargaining unit employees would produce five (5) delegates and five (5) alternates.

- 6.2 The purpose of the Demand Set meeting is to examine in depth a number of broadly based issues and concerns that are relevant to the forthcoming round of negotiations, review the results of the bargaining and Demand Set surveys and identify and vote on the demands in ranked order of priority to be brought forward by the Bargaining Team in the upcoming round of bargaining.
- 6.3 Those members in attendance at the Demand Set meeting shall be permitted to table emergency demands not previously identified in the Demand Set Survey for consideration by those in attendance as part of the Bargaining Team's mandate. An emergency demand is that which arises as a result of a change in circumstance or legislation.
- 6.4 Notice to bargain shall be given to the employer as required by the Bargaining Agent (OPSEU).
- 6.5 JCC, LEC and Bargaining Team members will automatically be delegates from the Branch area in the AGCO in which they work. All other delegates shall be elected by a clear majority of the members voting at an AGCO Branch meeting (or any applicable meeting prior to the Demand Set meeting). If there is no Branch meeting planned or anticipated the delegates shall be elected using a double blind ballot method outlined in Section 11 below.
- 6.6 Alternates shall attend the Demand Set meeting only when they are replacing a delegate who is unable to attend.

- 6.7 Delegates shall be responsible for representing their Branch area during the entire bargaining process, including responsibility for summarizing and communicating bargaining information at the Branch level.
- 6.8 An Executive Board Member of OPSEU who is also a member of the AGCO 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 Branch area or is a member of the LEC, JCC or Bargaining Team.
- 6.9 Union staff, assigned by the President of OPSEU, shall also participate with voice but no vote.
- 6.10 The Demand Set meeting shall be chaired by the Bargaining Team Chair or his/her designee.

7. Quorum and Majority

- 7.1 The quorum for all provincial meetings referred to in these procedures shall be fifty (50%) per cent plus one of the delegates who have registered for the meeting in question, in accordance with Convention procedures and the Constitution.
- 7.2 All delegates shall be elected by a majority (more than fifty per cent) of those present and voting, except for the automatic delegates as per Article 2.3.

8. Negotiations

- 8.1 The Chair of the Bargaining Team shall:
 - a. Chair all meetings of the Bargaining Team;
 - b. Draft bargaining bulletins in consultation with the bargaining team and the OPSEU Staff and to distribute to all members of the bargaining unit during negotiations;
 - c. Be responsible for the orderly conduct and discipline of the team;
 - d. Not make a decision regarding the employer's offer without a vote of the team.
- 8.2 In the absence of the Chair an Acting Chair shall be elected by the bargaining team members.
- 8.3 The Staff Negotiator shall lead negotiations and group discussions while the team is in caucus.

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

9. Ratification / Strike Votes

- 9.1 Any collective agreement negotiated in the name of the Union with the Employer must be ratified by the general membership in accordance with the Labour Relations Act and signed by the members of the elected Bargaining Team and the President of OPSEU.
- 9.2 When a tentative collective agreement is reached, or a strike mandate is sought as a result of an impasse, Information/Vote meetings of the AGCO membership will be held. The Bargaining Team and the assigned staff negotiator will meet to determine meeting content, dates, times and locations.
- 9.3 AGCO members shall receive a complete and entire written summary of the proposed contract changes and amendments to any language or, in the case of a bargaining impasse, a summary of the issues and/or offer to be voted on in preparation for an Information/Vote meeting. For Regional members the information will be posted on the Unions web site and emailed to the member's personal accounts.
- 9.4 The purpose of an Information/Vote meeting is to explain the circumstance that prompted the Information/Vote meeting and outline the impact on members. The meetings shall be conducted by a Bargaining Team member, an OPSEU staff person, or an Executive Board member, as available.
- 9.5 Members shall be encouraged to ask questions and discuss all relevant issues prior to the vote. Regional staff will be advised to call into these meetings.
- 9.6 In the case of a vote on an Employer offer, the Union shall make it clear to members that a rejection also constitutes a strike mandate for the team.
- 9.7 All Ratification / Strike 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.

- 9.8 Regional OPSEU Offices will be used for regional members to cast their votes in person.
- 9.9 Non-members are entitled to vote, provided they can be confirmed as being in the bargaining unit.
- 9.10 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. The Bargaining Team is entitled to attend the counting session.
- 9.11 Regional vote results shall be couriered to the OPSEU Toronto Wellesley Regional Office to be included in the official vote count. The committee will wait for all cast votes to be received before the counting session begins.
- 9.12 The official tally sheet on which the vote is recorded shall clearly show the number of the Local, 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. All balloting materials shall be retained at the OPSEU Toronto Wellesley Regional Office for at least thirty (30) days.
- 9.13 When all results have been tabulated, they shall be communicated first to the Bargaining Team who will then ensure that the results are communicated to the membership.

10. General Protocol and Team Conduct

- 10.1 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.

11. Solidarity and Dissent

- 11.1 The policy regarding solidarity and dissent contained in OPSEU policy will be followed.
- 11.2 These Negotiating Procedures are as originally adopted at the Local 565 General Membership Meeting and are hereby submitted to the President of OPSEU for approval by the Executive Board and Convention, pursuant to Article 24 of the OPSEU Constitution.

12. Double blind election ballot

- 12.1 A first nomination package, mailed well in advance of the vote to all bargaining unit employees, shall include the following:
 - a. Notice of Election
 - b. Description of positions for which the elections are being held, information on deadlines to file nominations
 - c. Information on how to join the union and membership form
 - d. Nomination Form and pre-addressed stamped envelope addressed to Staff Representative assigned to the Local
- 12.2 After the deadline for nominations, the Staff Representative shall open all nomination forms and, if the nominator and the nominated are both members in good standing, the Staff Representative shall deem the member has been duly nominated.
- 12.3 If the number of nominations received by the deadline equals or is less than the number of delegate positions available, those nominated shall be deemed to be acclaimed.
- 12.4 If the number of nominations received by the deadline exceeds the number of delegate positions available, a second election package shall be mailed out in between the deadline to file nominations and the voting deadline. Sent only to eligible voters, the package shall include:
 - a. A letter explaining the nature of the vote, how to vote, and the voting deadline to cast a ballot;
 - b. Instructions on how to cast a ballot;
 - c. A ballot;
 - d. A blank sealing envelope, into which the voter can deposit their ballot to ensure anonymity;
 - e. A return envelope addressed to the LEC or designee, with the voter's address as an identifier.
- 12.5 After the voting deadline, the ballots received in accordance with the process outlined above shall be counted and the nominated shall be placed in order of number of votes received.
- 12.6 The elected Branch delegates shall be those nominated who received the most votes as reflected in the voting results to the number outlined in the Branch allocation. The elected alternates shall be those nominated who received the next most votes as reflected in the voting results to the number outlined in the Branch allocation.

Appendix C: Initial Contact Report

Steward's Name: _____ Date of meeting: _____

Member's name: _____

Phone number(s): (w) _____ (h) _____

Work Site: _____ Work area: _____

Address (as applicable): _____

Seniority date: _____ Job classification: _____

Employment status: FT PT Contract Casual

Supervisor name(s) & titles: _____

A: Initial information

Date of occurrence: _____ Time of occurrence: _____

Details of complaint (use additional pages as necessary):

What happened?

Who was involved (witnesses)?

Why did this happen (in member's opinion)?

B: Next steps

☐ The member wants to take this issue forward. OR

☐ The member wants only to flag the issue with the Union.

☐ I want to continue involvement in this case. OR ☐ I do not want to be involved.

After completing above, please submit to L565 Local Officer.

Appendix D: Union Activist Information Sheet

General Information:

Name: _____

Start Date: _____ Department/Program: _____

Manager: _____

Classification: _____

Status: FT (Perm Contract) PT (Perm Contract) Temporary Casual

Extension/Phone: _____ Email: _____

Other contact information:

Email: _____ Contact number: _____

How long have you been a steward/activist? _____

How do you routinely schedule meetings? with day book through MS Outlook

How often do you usually check personal email? 1xhr 1xday 1xweek 1xmonth

Interests (please circle):

Grievances Representation Note taking

Discipline Representation Note taking

Harassment and discrimination Representation Note taking

Accommodation Representation Note taking

Return to work Representation Note taking

Communications Wellness Provincial union Health & Safety Mobilization LEC meetings

Other: _____

Training needs:

- ☐ Observation
- ☐ Role playing
- ☐ Note taking
- ☐ Collective agreement interpretation
- ☐ Other: _____

Opportunities for involvement:

Time availability (circle all applicable): lunch after work evenings weekends

Preferred mode of contact (circle all applicable): in person phone email video

Appendix E: Evaluation form - LEC Training (October 19, 2015)

1: I found the **training on investigative interviewing** helpful in my work as a steward.

1	2	3	4	5	6
Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	Strongly agree	Not applicable

Comments: _____

2: In general, I found the **training structure** helpful in my work as a steward.

1	2	3	4	5	6
Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	Strongly agree	Not applicable

Comments: _____

3: I found the **use of the initial contact form** helpful in my work as a steward.

1	2	3	4	5	6
Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	Strongly agree	Not applicable

Comments: _____

4: I found the **review of CA language** helpful in my work as a steward.

1	2	3	4	5	6
Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	Strongly agree	Not applicable

Comments: _____

5: I will attend other steward trainings. ☐ Yes ☐ No

6: I would like to focus on the following in future steward trainings. (Please number these from 1 - 5 with 1 being the topic you are most interested in and 5 being the least):

- ☐ Discipline meetings - process and Union role
- ☐ Termination - process and Union role
- ☐ Progressive Discipline - concept and application
- ☐ Grievance - timelines and Union role
- ☐ Layoff & Recall Rights
- ☐ Health and Safety
- ☐ Vacation entitlements
- ☐ Benefits entitlements
- ☐ Accommodation - process and Union role
- ☐ Return to work - process and Union role
- ☐ Harassment and discrimination in the workplace

Name (optional): _____

Please return the completed form before you leave today.
Thank you for helping us improve the steward training!