



### Collective Bargaining Policy

#### I. Overview

The MRFA Policy articulates the Association's underlying principles and long-term bargaining goals as well as the internal procedures associated with collective bargaining in the *Collective Agreement*, the *PSLA*, and the *Alberta Labour Relations Code*.

#### II. Policy Objectives

The objectives of this policy are:

- To articulate long-term bargaining goals of the Association.
- To ensure that membership is fully engaged in setting goals, reviewing progress in bargaining, and decisions around ratifying the outcomes of collective bargaining
- To provide continuity from round to round of collective bargaining.
- To clarify the roles and authority of the Executive, Collective Bargaining Caucus, Bargaining Committee, and related committees in relation to the bargaining process.

#### III. Authority during Collective Bargaining

In accordance with the *PSLA* the final authority to negotiate the *Collective Agreement* rests with the Executive Board. Association Committees have delegated authority to act on behalf of the Board in accordance with their charters and the provisions outlined within this policy and related procedures.

The MRFA Executive Board shall coordinate all committees involved in the collective bargaining process. Throughout the process, the Executive Board will receive advice from all applicable committees. Committees have delegated authority in the bargaining process and shall report to the Executive Board.

- Only the Executive Board is authorized to initiate bargaining, approve advancement of stages in the *Collective Bargaining index*, call for a strike vote, etc
- Prior to commencement of bargaining, the membership shall be called upon to endorse a proposed bargaining mandate for the upcoming round of bargaining. After a successful endorsement of the proposed mandate, the Bargaining Committee will then commence negotiating on the endorsed bargaining mandate.
- As outlined in the *Alberta Labour Relations Code*, should no agreement be in sight and prior to engaging in job action, upon the recommendation of the Collective Bargaining Caucus and in consultation with the Bargaining Coordinating Committee, the Executive Board shall arrange for a strike vote.
- Once a majority strike vote is certified by the Alberta Labour Relations Board, the Executive Board shall be empowered to initiate legal job action 72 hours after certification and no longer than 6 months after the vote.
- Prior to ratifying a collective agreement, the membership shall be called upon to participate in a ratification vote as stipulated in Bylaw 14.

#### IV. Collective Bargaining Goals

While being mindful of i) the competing interests of the Board of Governors (“the Employer”) and the Association, ii) the limited ability to achieve all of the Association’s goals in single round of collective bargaining, and iii) the potential to make significant gains on a specific item(s) in certain rounds, the Association is committed to protecting and enhancing members’ rights in relation to:

- Job Security
- Remuneration
- Workload
- Diversity, Equity, Inclusion, and Safety in the Workplace Environment, and
- Protection of Members’ Rights to Fair Processes.

#### V. Collective Bargaining Commitments

To achieve the *Collective Bargaining Goals* (section iv), the Association has woven the following commitments into each step within the subsequent *Collective Bargaining Procedures*.

1. Maintaining an open, transparent, and inclusive bargaining process
2. Providing members with meaningful opportunities to engage with the collective bargaining process.
3. Wherever possible, ensuring that items bargained for a certain subset of the membership do not adversely affect other subsets of the membership.
4. Ensuring the interests of equity-deserving and historically excluded groups are represented in collective bargaining. We are guided by the principle of “Nothing about us without us.”
5. Maintaining accountability to members by reporting to members about the outcomes of each round after the ratification of a new collective agreement.

#### VI. Collective Bargaining Caucus (CBC)

The CBC is tasked with operationalizing the Association’s actions related to collective bargaining. It includes members of the Bargaining Committee whose structure is outlined in the Bylaws. Note all positions are open to all current Members of the Association as defined in Bylaw-Membership. The Expected Activities of the Collective Bargaining Caucus and its membership are outlined in the Committee Charter.

##### **Related Components of the Collective Bargaining Caucus**

The Collective Bargaining Caucus may strike various working groups of individuals organized around a single topic/action. Some of these clusters include, but are not limited to the:

1. **Bargaining Committee** which shall be struck in the Spring preceding a bargaining year
2. **Bargaining Resource Groups** which shall be struck as needed at the discretion of the CBC
3. **Bargaining Coordination Committee (BCC)** which shall be struck by September in the year that bargaining commences
4. **Long Term Bargaining Goals Committee (LTBGC)** which shall meet following the ratification of a new Collective Agreement

## Collective Bargaining Procedures

### **VII. Identification of Association Priorities in Collective Bargaining**

1. The Long-Range Bargaining Goals Committee shall maintain a record of *Long-term Bargaining Goals* from each round. After ratification of a new collective agreement the Long-Range Bargaining Goals Committee will meet to:
  - a. Assess the goals gained, lost, and maintained with the new collective agreement,
  - b. Note lessons learned in the previous round of collective bargaining,
  - c. Record objectives not achieved, and
  - d. Provide a summary report to the membership in advance of the subsequent round of collective bargaining.
2. Prior to the commencement of collective bargaining under Article 21.4 of the Collective Agreement, the following shall occur:
  - a. The Long-Range Bargaining Goals Committee shall generate a report that outlines their recommended priorities for the upcoming collective bargaining round. This report shall be received and reviewed by the Executive Board.
  - b. Following the Executive Board's receipt and review of the Long-Range Bargaining Goals Committee's recommended priorities, the Executive Board shall bring the recommended priorities to the membership for review and comment. In exceptional circumstances, the Board may decide to simply inform members of the priorities.
  - c. The Collective Bargaining Caucus, the Diversity and Equity Committee, the IDEA Council and any other committee or member-directed group that the Executive Board deems relevant shall receive and review the report that outlines the Long-Range Bargaining Goals Committee's recommended priorities. These committees or member directed groups may make their own recommendations to the Executive Board.
3. No later than April 15 prior to commencement of collective bargaining, the Executive Board shall review the feedback from members and committees regarding the bargaining priorities and develop a *DRAFT MRFA Priorities Primer*, that outlines that Long-Range Bargaining Goals that the Association will engage with during the upcoming round of collective bargaining.
  - a. The *DRAFT MRFA Priorities Primer* shall be included in the AGM Agenda package for member discussion and comment.
  - b. After reviewing any discussion and comments from the AGM, the Collective Bargaining Caucus shall develop a final version of *MRFA Priorities Primer*.  
Note: The Executive Board shall be permitted to forgo submission of the *DRAFT MRFA Priorities Primer* during the AGM, if extenuating circumstances occur. In the event that this takes place, the Executive Board shall report the occurrence to the membership during the next subsequent regular meeting.
4. The Executive Board shall receive the *Final MRFA Priorities Primer* and based on that request Collective Bargaining Caucus to:
  - a. Develop a *DRAFT Bargaining Mandate* that outlines the specific topics that will be advanced during collective bargaining and identifies how they will address the priorities within the *Final MRFA Priorities Primer*.

- b. Gather information and develop arguments in support of the specific topics, and
- c. Engage with the membership (e.g. a Bargaining Survey) to discuss and gather comments on the specific topics that will be advanced during collective bargaining. See *VII. Preparation for Full Bargaining* for more details.

## VIII. Preparations for Bargaining Year

During the Fall semester, prior to the commencement of collective bargaining,

1. The Bargaining Coordination Committee will meet to review preparations for the upcoming round as outlined in the most recent version of the *Job Action Plan*.
2. The Collective Bargaining Caucus shall normally arrange for meetings with all the academic units to remind members of the *Final MRFA Bargaining Priorities Primer* and gather comments on the specific topics that the Association might negotiate to fulfill the priorities.
3. The Collective Bargaining Caucus no later than October Reading Week, will distribute a Bargaining Survey to gather comments on specific topics that the Association might negotiate to fulfill the priorities. The Executive Board must approve any exception.
4. Have members offer comments and language on specific topics/proposals, whenever possible and/or feasible.
5. At the November Regular Meeting prior to the commencement of bargaining, a draft list of specific interests/demands will be presented to the membership for review and feedback. In exceptional circumstances, the Executive Board may approve an exemption.
6. No later than the end of Fall semester, the Collective Bargaining Caucus shall present a report to the Executive Board for consideration and review. The report shall contain:
  - a. Information regarding how each of the previously approved priorities will be addressed,
  - b. Information regarding the specific interests/demands that the Association will be advancing, and
  - c. A confidential assessment that indicates the zone of possible agreement (i.e., noting the desired and worst case settlement possibilities).
7. No later than January 15, the Collective Bargaining Caucus shall develop a *DRAFT MRFA Bargaining Mandate*, that outlines information regarding the specific interests/demands that the Association will be advancing and how each of the previously approved priorities will be addressed within collective bargaining.
8. Normally, no later than January 15 or at least one (1) month before the first meeting of collective bargaining as specified in Article 21.4.1 (or the *Alberta Relations Labour Code*), the *DRAFT MRFA Bargaining Mandate* shall be brought to the membership for review and endorsement at a Special Meeting called for that purpose.
  - a. If the majority of votes cast are in favour of endorsing the Bargaining Mandate, the mandate shall be considered finalized.

## IX. Commencement of Collective Bargaining

- Unless extenuating circumstances are present, prior to the commencement of collective bargaining sections *VI: Identification of Association Priorities in Collective Bargaining* and *VII: Preparations for Full Bargaining* must have been completed.

- i. In the event that extenuating circumstances are present, the Executive Board shall report the occurrence to the membership during the next subsequent regular meeting.
- Collective bargaining shall commence as outlined in Article 21.4 and in accord with the Alberta Labour Relations Code.

## **X. Informal Mediation**

Under Article 21.4.4, should collective bargaining not be completed by May 31 and there is no agreement in writing to extend the number of bargaining sessions, both parties are obligated to engage in mediation of not less than two days, as outlined in Article 21.5.

This contractual obligation aligns with the 'informal' mediation process as outlined in the *Alberta Labour Relations Code*, and the Alberta Mediation Services need not appoint the mediator unless the Parties agree to do so.

1. Should the informal mediation process not produce a new collective agreement, according to Article 21.5.5, the mediator shall write a report that may recommend terms of settlement.
2. Upon receipt of the mediator's report from Informal Mediation, the Collective Bargaining Caucus shall:
  - a. Review and consider the *Mediator's Report* from Informal Mediation,
  - b. Advise the Executive Board on its decision to accept or reject the *Mediator's Report* from Informal Mediation,
  - c. Request that the Executive Board call a Special Meeting for the purposes of informing the membership of the *Mediator's Report* from Informal Mediation and to ratify the Collective Bargaining Caucus's decision to accept or reject the *Mediator's Report's* recommendations.
3. If the membership endorses the Collective Bargaining Caucus's decision to accept the Mediator's Report's recommendations and the Employer has subsequently accepted the Mediator's Report's recommendations, the Executive Board shall organize a ratification vote.
4. If the membership endorses the Collective Bargaining Caucus's decision to reject the Mediator's Report's recommendations or the Employer has subsequently rejected the Mediator's Report's recommendation, the Executive Board shall:
  - a. Advance the Job Action Index to *Stage 4: Deadline Watch*, and
  - b. Apply for formal mediation.

## **XI. Formal Mediation under the Alberta Labour Code**

After either the membership endorses the Collective Bargaining Caucus's decision to reject the Mediator's Report's recommendations or the Employer has subsequently rejected the Mediator's Report's recommendation, the MRFA shall apply to *Alberta Mediation Services* to have a mediator appointed and begin the process to engage in formal mediation.

Note: The MRFA and the BOG may agree to ask *Alberta Mediation Services* to consider appointing an individual who is mutually acceptable to both parties but who is not on the Mediation Services roster.

1. The Mediator shall call the parties to table forthwith with a view to arriving at a mutually acceptable collective agreement.
2. The Executive Board, upon the recommendation of the Collective Bargaining Caucus and after consultation with the Bargaining Coordination Committee, may call an Extraordinary meeting to authorize the Executive Board to call a strike vote should the formal mediation fail.
3. If the parties do not arrive at a new collective agreement, the Mediator shall either i) issue a report stating that no agreement is possible or ii) issue a report that outlines recommended terms of a new Collective Agreement.
4. Upon receipt of the mediator's report from Formal Mediation, the Collective Bargaining Caucus shall:
  - a. Review and consider the *Mediator's Report* from Formal Mediation,
  - b. Advise the Executive Board on its decision to accept or reject the *Mediator's Report* from Formal Mediation,
  - c. Request that the Executive Board call a Special Meeting for the purposes of informing the membership of the *Mediator's Report* and to ratify the Collective Bargaining Caucus's decision to accept or reject the *Mediator's Report's* recommendations.
5. If the membership endorses the Collective Bargaining Caucus's decision to accept the Mediator's Report's recommendations and the Employer has subsequently accepted the Mediator's Report's recommendations, the Executive Board shall organize a ratification vote.
6. If the membership endorses the Collective Bargaining Caucus's decision to reject the Mediator's Report's recommendations or the Employer has subsequently rejected the Mediator's Report's recommendation, the Executive Board shall:
  - a. Schedule dates for a Strike Vote according to the process in the *Alberta Relations Labour Code*.
7. The Executive Board shall move the Job Action index to *Stage 5: Alert*.

## **XII. Strike Vote and the Job Action Plan**

- a. In the event that the Association arrives at *Stage 6: Engage* and has to participate in job action, the Association shall maintain a *Job Action Plan* to act as a road map.
- b. This plan shall be written, primarily, for the MRFA Executive Board, the Collective Bargaining Caucus, and any other committee the Executive Board deems necessary.
  - i. The public may view the content with the body of the document, but all appendices shall be kept confidential.
- c. The *Job Action Plan* is not intended to constrain or restrict the decisions required by the Executive Board or its committees, and it intended to inform and provide guidance.

## **XIII. Ratification of Agreements**

- Prior to ratifying a collective agreement, the membership shall be called upon to participate in a ratification vote. If the majority of votes cast are in favour of ratifying the collective agreement, the Executive Board (specifically the President and the VP Negotiations) shall be empowered to sign the collective agreement and conclude collective bargaining.

- Following the ratification of a new collective agreement, the Association commits to providing a report to members which clearly articulates what was and was not achieved.

#### **XIV. Related Policies**

This is an overarching policy that outlines the relations between various Association documents and processes related to Collective Bargaining.

- *Voting Policy*
- *Job Action Plan*

The plan is maintained by the Association staff and the MRFA President. The Job Action Plan provides an outline of actions taken at specific stages of collective bargaining and outlined the parameters to ensure that the necessary logistical supports are in place to support job action. Prior to bargaining commencement, the President shall submit the current Job Action Plan to the Executive Board for information and/or approval, where applicable.

The Job Action Preparedness Group shall be comprised of

- Labour Relations Officer,
- Senior Administrative and Faculty Relations Officer, and
- President, or delegate.

Should there be actions undertaken as outlined in the Plan these shall only be taken at the applicable stage as outlined in the Collective Bargaining Index. Actions taken out of alignment with the Plan/Index require Board approval/endorsement.

- *Collective Bargaining Index Levels*  
The advancement to various stages of the Collective Bargaining Index Levels shall occur automatically based upon the established criteria approved by the Executive Board. The Executive Board has the authority to hasten or delay the advancement to various stages of the Collective Bargaining Index Levels. Prior to making a decision to hasten/delay the Executive Board shall receive and consider advice from the Negotiation Committee, and any other committee it deems necessary.
- *MRFA Bylaws and Collective Agreement Article 21*  
The Bylaws and Collective Agreement bind the Association into following the processes outlined therein. The Bylaws may only be amended with the approval of the membership and the Agreement may be amended through the bargaining process, also subject to member ratification.

#### **XV. Applicable Committees**

- Executive Board
- Collective Bargaining Caucus
- Bargaining Committee
- Long-Range Bargaining Goals Committee
- Collective Bargaining Advisory Committee
- Ad hoc Job Action Finance Committee
- Ad hoc Job Action Communications Committee