



Professional Employees Association

I am a Professional. This is my Union.

LOCAL REPRESENTATIVE MANUAL

All Chapters | February 2009

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FOREWORD

Welcome to the PEA team of local representatives. Association effectiveness depends on many factors, not least of which is a complete and active local representatives network.

In combination with your collective agreement and the resources available on the PEA website (www.pea.org), this *Local Representative's Manual* should enable you to deal with just about any question a PEA member might put to you. Get acquainted with the contents of this manual, but don't be intimidated by it. It is a reference source; you don't need to know it inside out or make it an everyday part of your life.

The manual describes your role in some detail, but the functions of a local rep really boil down to five things. These functions are:

1. **Recruitment.** Assist PEA in having new employees join the Association by completing membership applications.
2. **Records-Maintenance.** Assist PEA in keeping membership lists current and up-to-date.
3. **Communications.** Particularly during critical bargaining times, assist PEA to communicate with the membership.
4. **Grievances and Appeals.** Assist individual members wishing to pursue contract grievances or appeals.
5. **'Watchdog'.** Assist PEA to monitor contract violations.

The PEA supports local representatives by providing periodic training opportunities, and finally by encouraging you to contact a PEA staff person should you require assistance or have suggestions for making your job easier.

Again, welcome to the local rep team, and thank you for making this personal contribution for the good and welfare of your fellow PEA members.

A handwritten signature in black ink, appearing to read "Jodi Jensen", with a long horizontal flourish extending to the right.

Jodi Jensen
Executive Director

I. STRUCTURE OF THE PROFESSIONAL EMPLOYEES ASSOCIATION

The Professional Employees Association's number one purpose is to serve the membership by regulating relations with employers in such matters as working conditions, general welfare and salaries. Your union currently serves as bargaining agent for eleven bargaining units:

- Government Licensed Professionals
- Oil and Gas Commission
- Legal Services Society Lawyers
- Prince George School District Professionals
- Okanagan Regional Librarians
- University of Victoria Academic and Administrative Professionals
- Family Maintenance Enforcement Program Lawyers
- Community Health Services and Support
- Paramedical Professionals
- St. Margaret's School
- Law Society of British Columbia Lawyers

Convention

The ultimate decision-making authority in the union rests with the PEA Convention. Delegates elected to represent their colleagues at convention have the authority to determine union policy, amend the constitution and by-laws and to elect the union's Table Officers. Convention receives and decides any resolutions which arise from the membership, from chapter executives and from the Association Executive.

The union's by-laws require that convention be held biennially in April, May or June.

The Membership

The general membership retains a direct hand in shaping the future of the Professional Employees Association through ratification of chapter bylaws and tentative agreements, by election of convention delegates and

chapter executives, and by voting on questions of changes to membership dues.

Association Executive

The Association Executive consists of the President, First Vice-President, Second Vice-President and Secretary-Treasurer (the Table Officers) and chapter representatives appointed by their chapters. Each chapter or combined group of chapters is entitled to appoint a member to the Association Executive. Larger chapters are entitled to appoint an additional Association Executive member for each additional 400 members or major part thereof. Combined groups of chapters jointly appoint a representative to sit on the executive.

Table Officers are elected at convention from among and by convention delegates. Table Officers take office at the conclusion of the biennial convention.

The Association Executive's function is to govern the Association between conventions. The executive sets the day-to-day operational policies of the Association. It has established a range of committees and retains staff to carry out those policies.

Chapters

The constitution permits the executive to recognize chapters, which exist to promote and pursue the particular interests of various bargaining units in the Association.

The executive has recognized ten chapters. Chapters' executives appoint members to the Association Executive.

Chapter executives are also responsible for the appointment of local representatives and contract/bargaining committees.

Contract/Bargaining Committee

The task of the Contract/Bargaining Committee representing each of the bargaining units is to solicit bargaining

recommendations from the membership, to assess which recommendations should go forward to the employer, to put together a complete package of proposals for negotiating a new collective agreement with the employer and to carry out actual negotiations. In most chapters, contract proposals are submitted for review in membership meetings or by mail prior to presentation to employers. Once a tentative collective agreement is resolved in negotiations, the agreement is sent out to the membership of the bargaining unit for formal ratification.

Executive Committees

Two types of internal committees are established from time to time by the Association Executive: standing committees of the executive and special purpose committees. What follows is a brief description of the work carried out by committees in each category.

Standing Committees

These committees exist from year to year to serve permanent, ongoing functions.

Finance & Investment Committee

The Finance & Investment Committee is responsible for investing Association surpluses in order to develop assured funds for such contingencies as strike pay. The Finance & Investment Committee includes the Secretary-Treasurer (chair), the First Vice-President, Second Vice-President, an executive member and the Executive Director.

Staff Relations Committee

The Staff Relations Committee appoints a bargaining committee to negotiate the collective agreement for PEA staff and addresses staff relations problems which may arise from time to time. The committee consists of the First Vice-President (chair), three additional executive members and the Executive Director.

Education Committee

The Education Committee makes recommendations regarding the disposal of funds available for training members in labour education and selects the members who are to benefit from such training. The committee consists of the Second Vice-President (chair), two additional executive members and two PEA members at large.

Service Awards Committee

In 1986 the Association began to recognize members who have provided exceptional service to the PEA through service awards. Prior to convention the Service Awards Committee nominates members for service awards. The committee consists of the Second Vice-President (chair), one additional executive member, two members at-large and the Executive Director.

Policy Review Committee

The Policy Review Committee periodically reviews all existing policies to ensure their continued relevance and appropriateness. The committee also reviews and makes recommendations on issues or proposed policies referred to it by the executive or by convention. The committee consists of three executive members, one of whom must be a table officer, and up to two PEA members at large.

Grants and Donations Committee

The job of the Grants and Donations Committee is to adjudicate on requests for charitable contributions from individuals and organizations other than labour unions. The committee may give donations to organizations or individuals whose objectives are generally consistent with or complementary to those of the PEA. The committee consists of the three executive members and two PEA members at large.

Scholarship Committee

The Association awards up to ten scholarships of \$1000 each to students based on essays received on a topic chosen each year. The Scholarship Committee is charged with reviewing all the applications and determining which applicants are to be awarded a scholarship. The committee consists of two executive members and three PEA members at large.

Bursary Committee

The Association awards up to ten bursaries of \$500 each to PEA members who are pursuing further education and are in financial need. The committee assesses applications and awards bursaries. The committee consists of one executive member, plus up to two members at-large.

Special Purpose Committees

From time to time the executive appoints committees to deal with specific problems. Executive members may or may not be part of such committees.

In the past committees have been established to deal with issues as diverse as government privatization programs, employer reorganizations, the mandatory retirement question, and others.

Executive Director

An Executive Director is retained by the Association Executive to coordinate all Association activities, to implement executive decisions and policies and to assist the executive in planning ways to ensure the Professional Employees Association continues to develop as an effective bargaining agent for professionals.

The Executive Director takes a leading role in the development and negotiation of collective agreements and coordinates the policing and administration of concluded agreements by managing and directing the remaining staff members of the Association.

In addition to the Executive Director the PEA staff includes labour relations officers, communications, financial and administrative staff.

The Association services the membership out of two offices.

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II. ROLE OF LOCAL REPRESENTATIVES

In this section we outline five local representative functions, summarized as follows.

Outline of Local Representatives' Functions

1. **Recruitment.** Assist PEA in having new employees join the Association by completing membership applications.
2. **Records-maintenance.** Assist PEA in keeping membership lists correct and up-to-date.
3. **Communications.** Particularly during critical bargaining times, assist PEA to communicate with the membership.
4. **Grievances and Appeals.** Assist individual members wishing to pursue contract grievances or appeals.
5. **'Watchdog'.** Assist PEA to monitor contract violations, particularly in matters relating to the security of the bargaining unit.

A. THE RECRUITMENT ROLE

Meet The New Employee

The first responsibility of the local representative is recruiting new members to the Association. As soon as possible after a new employee enters the bargaining unit make a point of introducing yourself to him or her. Don't delay your first contact with a new employee. Briefly describe the purpose and activities of the Association and answer any questions the new employee may have about the PEA.

Complete An Application

Have the employee complete a membership application form available on the PEA website. Ensure s/he completes the form in its entirety.

Forward The Application

Forward the form to the Association's head office in Victoria. Once a completed application form is received by the Association, a membership card is forwarded to the new member, together with a letter of welcome from the Association President, a copy of the Association constitution and other membership information. As soon as new members' applications are received by the Association they are entitled to participate in Association activities with full voice and vote.

B. THE RECORDS-MAINTENANCE ROLE

PEA Provides Periodic Lists

From time to time the Association provides local representatives with a list of the names of all the members PEA records show are included in each jurisdiction.

The PEA provides local representatives with access to lists of the members in their own jurisdiction for the sole use of membership record maintenance and assisting members in the jurisdiction.

Local representatives have a responsibility to maintain the confidentiality of membership lists in accordance with applicable privacy legislation and Association Executive policy. Membership lists are to be held private and confidential and are not to be shared with any other individual or organization.

Please ensure that you store your membership list in a secure manner to protect and maintain the confidentiality of PEA member information. When you receive a new or updated list, please destroy any old lists in a confidential and secure fashion, preferably by shredding.

Membership lists indicate each members' mailing address, home and office phone number, profession, classification and work site location — at least to the extent that the data is available to us. However, the data in these lists is only as good as our members enable us to make it.

Employer Data Is Incomplete

A certain amount of information is provided by the employer, but much more is not. The employer does not give us the work or home address or phone numbers of members. The employer does not usually tell us when members' classifications change or when work sites are moved from one location to another.

PEA Depends on Members — And Local Reps

It is possible for the PEA to gather some of this information from employer directories and other sources. However, we rely primarily on *members*, and to a lesser extent on *local representatives*, to keep information up to date. When the Association sends you a new list of the members in your jurisdiction we ask you to not just file it, but review it for errors and omissions and advise us on the necessary corrections and additions. Members may send us address changes and other information updates via e-mail (membership@pea.org)

You Contribute to Negotiating Effectiveness

Particularly at bargaining time, the PEA absolutely depends on up-to-date membership data — to prepare our proposals, to respond to employer demands, to facilitate fast communications, and to get prepared when and if job action is contemplated. Inadequate membership data impairs the Association's ability to represent members adequately. By helping the PEA to keep membership records current, you materially contribute to the PEA's negotiating effectiveness.

C. THE COMMUNICATIONS ROLE

The Association's experience in past bargaining rounds has shown just how vital local representatives are in ensuring that Association officials have a feel for the membership "pulse" on important issues.

Local Reps Vital To Negotiations

When the time comes to gauge the membership's willingness to raise the stakes in collective bargaining it is the network of local representatives that has sounded the membership and reported its results to Association negotiators.

On the occasions when strike votes have been necessary to expedite bargaining it is local representatives who have conveyed the importance of the vote to members and then have assisted in getting the votes that strengthened the union's position in negotiations with employers.

You Are A Conduit

On many other questions, too, the Association Executive relies on local representatives to be both conveyors and gatherers of information, to ensure that the elected officers of the union and its general membership know and understand what each other is thinking and feeling. Local representatives are the conduits of these two-way communications.

Know Your Members

It is the role of local representatives to know the members in their jurisdiction, know their concerns, their priorities, and their aspirations. Where problems arise that affect your members generally, and you think the Association might be able to help, make sure the union knows about it, so that the appropriate action might be initiated. Conversely, make it your job to know why the Association takes given actions so that you can explain those actions to the membership.

Be Prepared

The communications role is the local representative's most important one. As a local representative you will be relied upon from time to time to expend real efforts in carrying out important communications between members and leaders. Be prepared by being a good "fence mender". Ensure that contacts are maintained with your members.

D. THE GRIEVANCE AND APPEAL ROLE

The local representative's role in assisting individual members in grievances and appeals may not take as high profile as your role as a communicator. But to the member with a grievance that role is no less significant.

Know The Procedures

Chapter III of this manual describes the various mechanisms by which a member can air a complaint against his or her employer. Make it your business to know these procedures and to know how they relate to one another.

Make Yourself Available

Make yourself available to members who feel they have been aggrieved by their employer. Listen to a member's problem but don't be afraid to say he or she has no complaint if you know that to be the case. Know what your rights are as a local representative. Know that you are entitled to assist a member, for example, in a first step grievance meeting. Your function is to support a member with a legitimate grievance and to assist in developing a remedy that resolves the grievance in a manner that is consistent with the collective agreement. Finally, don't forget that PEA staff are available to assist you in sorting out especially confusing or complex problems of contract and grievance interpretation.

Rights Of Local Representatives

The authority of local representatives to assist in the resolution of grievances is established in the collective agreement. Each PEA collective agreement contains an article, often titled *Recognition and Rights of Association Representatives*, which establishes the employer's recognition of local representatives for purposes of carrying on formal relations between the employer and the union.

The first steps of the grievance procedure set out in each collective agreement provides that local representatives have the right to be present during any meeting between an employee in his/her area and the employee's supervisor which is aimed at resolving a grievance.

Employers have an obligation to inform an employee of their right to have a local representative present at all meetings which involve or potentially involve discipline matters.

E. THE 'WATCHDOG' ROLE

The PEA Needs Watchdogs

Some people think that once a union has negotiated a collective agreement the major work has been done. Not so. Employers will sometimes take actions which violate the negotiated provisions. These actions can arise as a result of a genuine disagreement over the meaning of the language in the agreement. Occasionally violations also arise from a concerted effort to undermine the benefits employees have won through collective bargaining. Local reps have a special role in assisting the PEA in identifying these violations.

Advise Staff of Violations of the Collective Agreement

Many members are less familiar than local reps with the content of their agreement. They might not know that certain actions of the employer constitute violations. Furthermore, if these actions don't affect them directly they might not think to contact the union to inquire about the employer's action. This means violations can be occurring which aren't being addressed by the Association. Consequently the PEA needs local reps who pay attention for violations and report them to the PEA staff.

Local Reps Vital To Policing Agreement

Local reps play a vital role in ensuring that PEA staff know what is happening in the workplace. Without you some information might never come to the attention of the Association. Enforcing key areas of the agreement depends significantly on your help. If the PEA doesn't enforce members' rights those rights can be eroded.

Prevent the Erosion of the Agreement

If the PEA fails to respond to an employer practice which is in violation of the agreement the employer is then put into a position where it can argue that its practice should be allowed to continue either permanently or until the next round of collective bargaining. This is possible because arbitrators will hear evidence of past practice in interpreting the language of an agreement, especially if the language is a little ambiguous. Furthermore, the employer can argue that there is an "estoppel" in place if it can demonstrate that it has relied on a practice to which the union has not objected.

III. GRIEVANCE PROCEDURE

What Is A Grievance?

A grievance is a dispute relating either to the interpretation, application or violation of a collective agreement or to the dismissal, discipline or suspension of an employee.

A grievance concerning the suspension or dismissal of an employee goes directly to a higher step of the grievance procedure.

Know Your Agreement

Make certain that you know your collective agreement before advising a member on whether or not he or she has a grievance. In order to advise members of rights you should have a broad knowledge of the contract. Ensure particularly that you are conversant with provisions that apply to members in your jurisdiction and areas of the agreement which are of on-going concern to members generally. Examples of the latter: performance appraisals, hours of work, overtime compensation, vacation, the various kinds of special leave, health and welfare benefits, merit increase rules, and redeployment/layoff provisions.

Ask For Help

If you know your agreement you will be able to answer most questions of interpretation and advise whether or not a given complaint is grievable. If you are in doubt, however, say so. It is far better to contact union staff for assistance than to jeopardize a legitimate grievance or raise a false expectation by giving incorrect advice to members.

Convey Your Advice

After deciding that a given complaint is not a matter for a formal grievance advise the member concerned. Make sure that members understand the reasons for your advice, and tell them to contact union staff if they are not satisfied with your advice. Remember, your grievance role is strictly advisory. *Members have the right to take up a complaint with PEA staff if they do not agree with your decision.*

Don't Miss Deadlines

The grievance procedure has deadlines requiring that grievances be filed at the second step of the procedure not later than a specific number of days after the events giving rise to the complaint. Failure to formally file a written grievance at the second step of the procedure means that the grievance will be considered to have been abandoned and no further action will be possible. In order to avoid forfeiting a grievance always ensure that members contact union staff before the deadline expires.

Below is a general description of the steps common to most PEA collective agreements. **Refer to your collective agreement for the steps applicable to your bargaining unit.**

Step One: Discussion With Supervisor

The first step of the grievance procedure is a verbal but necessary one. Before proceeding to the following steps, employees must attempt to resolve their problems through a discussion with their supervisors. As a Local Representative you are entitled to be present at such discussions, at the invitation of the member, and to attempt to facilitate resolutions of grievances before they move on to subsequent written stages. If this informal first step fails to achieve the desired result the employee may proceed to the second step. Members must remember again the agreement contains **a deadline** requiring them to proceed to the second step within a specific number of days after the occurrence of the grievance. Refer to the chart at the end of this section and to your collective agreement for the deadlines for your bargaining unit.

Step Two: Staff Files Written Grievance

The second step is a formal written one. Refer the aggrieved member to the Association staff person assigned to your area. Having concurred that a grievable violation has occurred the staff person will write to the person designated by the employer to receive second step grievances in the affected work unit. Typically this letter will advise the recipient to take notice of a formal grievance,

describe the nature of the violation, and indicate the desired remedy.

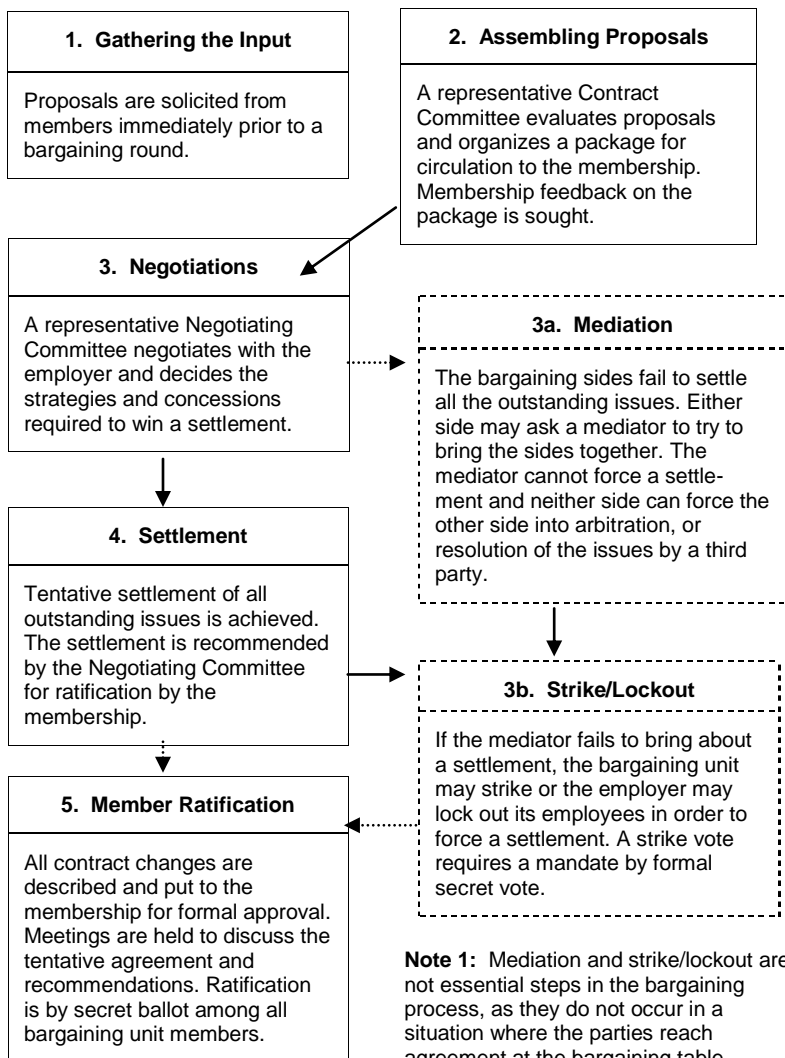
Copies of this letter will be sent to the employee's immediate supervisor as well as to the employer's bargaining agent. At this stage the employer's representative must reply to the Association within time limits established in the agreement. If this fails to occur or if the reply is not satisfactory the Association is then free to proceed to an arbitrator within the specified deadline.

Step Three: Arbitration

Arbitration hearings are normally conducted by a single person. During a hearing oral and written submissions are made by representatives for both the union and the employer and required testimony is given in a quasi-legal setting. The decision of the arbitrator is final and binding.

Appendix 1

HOW COLLECTIVE BARGAINING WORKS



NOTES