



BC's Union for Professionals

**LOCAL REPRESENTATIVE
PARTICIPANT MANUAL**

Contents

Foreword	4
Welcome Letter	5
Introduction.....	6
Land Acknowledgement	6
PEA Bullying, Discrimination and Harassment Policy	6
Activity: Introductions.....	7
Activity: Course Expectations/Classroom Contract.....	7
Learning Objectives and Course Overview	7
Labour History	8
Activity: Labour History	8
Labour History - Rights Through Struggle.....	9
Labour History – Rights Through Legislation?	13
Activity: Labour History Discussion	14
Structure of the Labour Movement	15
Union Approaches to Political Action	17
Union Issues	17
Recent Positive Changes Introduced to Employment Standards Act in BC	17
Recent Positive Changes to the Labour Code in BC	17
Union Density	18
Activity: Political Action Discussion	18
The Professional Employees Association	19
PEA Website	19
PEA Membership.....	19
Our History.....	21
PEA Structure and Governance	21
PEA Staff	25
External Authorities	25
Role of the Local Representative	26
Skills for Good Representation.....	26
Communicating.....	26
Investigating	26
Record keeping	26
Conflict Resolution.....	27
Two Aspects of the Local Rep Job.....	29
Enforcement of the Collective Agreement	30
The Collective Agreement.....	30

Activity: Your Collective Agreement	30
Key Provisions	30
Union Recognition	30
Management/Employer Rights.....	30
Anti-harassment	30
Working Conditions	30
Pay, Benefits, and Leave	30
Professional Development.....	30
MOU/MOA/LOU/ Appendices and Schedules	30
Grievance Procedure.....	30
Activity: Grievances	30
Enforcement: Types of Grievances	31
Activity: Your Grievance Procedure	31
Principles of Labour Law	31
Insubordination	31
Just Cause.....	32
Progressive Discipline	32
Case Study: Wm. Scott	32
Standard of Proof	34
Employer Policies (KVP).....	34
Sole Bargaining Agent	34
Duty of Fair Representation.....	35
Representing Members at Meetings.....	35
Procedural Fairness	35
Guidance: Representing Members at Meetings	36
Guidance: Note Taking at Investigation Meetings.....	41
Activity: Interviewing a Member.....	45
The Role of the Rep in Support of Bargaining	46
Guidance: Support the Union's Bargaining Team	47
Collective Bargaining Basics	49
Activity: Collecting Input for the Bargaining Team	50
Job Action Overview	51
Activity: Mock Investigations Interviews.....	51
Resources	52
Appendix 1: The Labour Dictionary	53
Appendix 2 CASL Guidelines	60
Appendix 3: Case Studies	61
Appendix 4: PEA Collective Bargaining Policy.....	69
Appendix 5: Member Engagement Funnel.....	72

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 representative's network.

In combination with your collective agreement and the resources available on the PEA website (pea.org), this *Local Representative's Manual* should enable you to deal with questions that members may have. Get acquainted with the contents of this manual, but don't be intimidated. 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 six things. These functions are:

1. **Recruitment.** Assist PEA in having new employees join the Association by completing membership applications and helping with finding future successors for your local representative position.
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. Direct members to appropriate resources.
4. **Grievances and Appeals.** Assist individual members (in conjunction with the Labour Relations Officer) wishing to pursue contract grievances or appeals.
5. **'Watchdog'.** Assist PEA to monitor contract violations.
6. **Engagement.** Encourage members to participate in union activities and membership meetings in your area.

The PEA supports local representatives by providing periodic training opportunities. 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.



Scott McCannell
Executive Director

Welcome Letter

Dear Activist,

Thank you for stepping forward as the local rep for your jurisdiction. We're pleased to inform you that the official appointment was received, and look forward to working with you. Soon you will receive an email with the list Please find the current member list attached.

Your Labour Relations Officer and PEA staff are on hand for any questions or concerns. Please find Contact information at the back of this manual.

Local Rep Resources

Local Rep resources area available at <https://pea.org/localreps>

Educational Sessions

The PEA offers educational sessions to members-at-large and Local Reps. Please visit <https://pea.org/education> for more information or to register.

Member Lists

The PEA sends member lists periodically. Please do not hesitate to contact membership@pea.org if you can inform us of a new member or member status changes.

We rely on local representatives for any updates to the list. Please feel free to send any information to: membership@pea.org . For member communications, it is recommended the email addresses be **bcc'd**. The following is the standard information pertaining to access to lists:

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 member information. When you receive a new or updated list, please destroy any old lists in a confidential and secure fashion, preferably by shredding.

Introduction

Land Acknowledgement

We acknowledge the Indigenous Peoples of all the lands that we are on today. While we are meeting on a virtual platform, I would like to take a moment to acknowledge the importance of the land, which we each call home. We do this to reaffirm our commitment and responsibility in improving relationships between nations and to improve our own understanding of local Indigenous peoples and their cultures.

Today we acknowledge the ancestral and unceded territory of all the Inuit, Métis, and First Nations people that call this nation home.

PEA Bullying, Discrimination and Harassment Policy

1. Workplace or PEA Event Conduct

Bullying, discrimination and harassment, including sexual harassment, are not acceptable or tolerated in the PEA workplace or for any PEA organized event in any setting. All PEA workers, PEA members and outside stakeholders (e.g. volunteers, speakers, service providers and representatives for other organizations, etc.) will be treated in a fair and respectful manner.

2. Bullying, Discrimination and Harassment

(a) Bullying and harassment include any inappropriate conduct or comment by a person towards a worker, member or stakeholder that the person knew or reasonably ought to have known would cause that person to be humiliated or intimidated, but excludes any reasonable action taken by the PEA as an employer relating to the management and direction of PEA staff.

(b) Sexual harassment means, any unwelcome conduct, comment, or gesture of a sexual nature that might reasonably be expected to cause offense, embarrassment or humiliation.

(c) Discrimination is an act, practice or behavior that has the effect of imposing burdens or disadvantages on one group of people that are not imposed on others. Discrimination can be on the basis of gender identity or expression, race, ethnicity, class, financial status, creed, sexual orientation, disability or different abilities, age or any other kind of discrimination prohibited by the BC Human Rights Code.

Examples of conduct or comments that might constitute bullying and harassment include verbal or non-verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours.

Examples of sexual harassment include: jokes, innuendo, comments or questions regarding someone's body, appearance, sexual characteristics, sexuality or clothing or persistent unwelcome invitations.

3. Workers or Members Must:

- not engage in the bullying, discrimination or harassment of others;
- report to the PEA Executive Director, if bullying, discrimination and harassment is observed or experienced;

- apply and comply with the PEA’s policies and procedures on bullying, discrimination and harassment.

The full PEA Bullying, Discrimination and Harassment Policy can be found at <https://pea.org/bullying>.

Activity: Introductions

Prepare to introduce yourself, stating your:

- Name
- Chapter
- Profession
- Job and Employer
- How long you have been a PEA member
- How long you have been a local representative

Activity: Course Expectations/Classroom Contract

As a group, develop a course contract for the learning environment.

Learning Objectives and Course Overview

At the end of the course, participants will understand:

- The history and structure of the Labour Movement
- The structure and function of the PEA
- Who PEA members are
- The role of the Local Representative
- The process of Collective Bargaining
- Key Collective Agreement provisions, including the grievance procedure
- Key principles of Labour Law
- Important Skills

Labour History

- 1800s – craft unions established in Canada
- 1872 – strikes for nine hour days – Trade Union Act removes criminality so unions can be formed
- 1878 – Knights of Labour – expanded organizing beyond craft/skilled trades

Note: the Knights of Labour, like much of Canadian Labour was a fundamentally racist organization. They supported the Asiatic Exclusion League, and refused to sign up non-white workers, and women. This too is part of our legacy.

Activity: Labour History

Prepare a short presentation about one of these important labour history events:

- 1918 – Vancouver General Strike
- 1919 – Winnipeg General Strike
- 1935 – On-to-Ottawa Trek
- 1935 – Battle Ballantyne Pier
- 1938 – Blood Sunday

Labour History - Rights Through Struggle

Vancouver General Strike¹

- August 2, 1918
- First general strike in Canadian History
- Government had been suppressing “Bolshevik” labour activities (including striking and publishing union literature).
- On July 27, 1918, IWW Organizer Albert Ginger Goodwin was shot in the back on Vancouver Island by an out of uniform RCMP officer for evading the draft.
- On August 2, 1918, a province-wide general strike was called to protest his murder. Vancouver workers staged a one day protest against his murder.
- 300 returned soldiers were provisioned and ordered to storm the Labour Temple at 411 Dunsmuir (now the 411 Seniors Centre) and ransack the Vancouver Trades and Labour Council offices.
- After attempting to throw VTLC secretary Victor Midgey out of a window, the soldiers forced him and a longshoreman to kiss the Union Jack.
- Every year Labour Activist gather to remember Ginger and other labour organizers at Cumberland at the Miners Memorial Weekend.
- Image of Ginger Goodwin’s grave in Cumberland BC.

Winnipeg General Strike²

- May 15 – June 25 1919
- More than 30 000 workers left their jobs to protests unemployment, inflation-driven increases in the cost of living (particularly for housing and food), and working conditions, particularly those in labour camps for unemployed men.
- Workers met in Calgary in March to form the One Big Union, a syndicalist organization for all labour.
- After building trades and metal workers in Winnipeg failed to secure union recognition better wages and working conditions, the Winnipeg Trade and Labour Council called a general strike.
- Within hours, 30 000 workers left their jobs, affecting the operation of shops, factories, transit, and city services, including police, fire, postal workers, telephone and telegraph workers and utilities workers.
- A Central Strike Committee organized the strike and ensured essential services continued.
- The federal government made law enabling it to deport immigrants, and authorized the arrest and prosecution of “seditious” members of unlawful organizations.
- On June 17, “Bloody Saturday”. During a parade in support of arrested labour leaders, mounted police injured 30 people and killed two. Federal troops occupied the city.
- The strike ended on June 25 1919.

¹ https://en.wikipedia.org/wiki/1918_Vancouver_general_strike

² <https://www.thecanadianencyclopedia.ca/en/article/winnipeg-general-strike>

- Seven strike leaders were eventually convicted of planning to topple the government. They received jail terms of six months to two years.
- Some strike leaders, including J.S. Woodsworth, and other former strikers helped found the Co-operative Commonwealth Federation which later became the New Democratic Party. Woodworth was elected to Parliament.
- The strike helped to unite workers in Canada.
- Union recognition and the right to collective bargaining took 3 more decades to achieve.
- Image mounted troops galloping around a bend in the road at Main Street and Market Avenue on Bloody Saturday, 21 June 1919.

On to Ottawa Trek³

- 1935
- During the Great Depression, 1 in 9 Canadian required relief.
- The federal government established relief camps in remote areas to keep unemployed men out of urban areas and difficult to organize.
- Working conditions and pay were horrible.
- Arthur “Slim” Evans organized the Relief Camp Workers Union.
- In December 1934 men struck work, and left the camps to protest in Vancouver. It lasted 2 months, and when change didn’t come another strike was called for April 4, 1935.
- They wanted 50 cents/h; a six hour workday, a 5 day work week, to be covered by workers compensation and employment insurance, the vote, and the abolition of the crime of sedition and labour deportations in Canada.
- On June 3, 1935, 1000 strikers boarded eastbound boxcar trains at Vancouver, headed to Ottawa where they intended to take their demands to the Prime Minister.
- On June 14 1935 trekkers arrived at Regina and met with two cabinet ministers. Elected leaders went on to meet the Prime Minister, while the rest of the trekkers stayed at the Regina Exhibition Grounds, where the people of Regina fed them.
- The Ottawa meeting went badly. On June 26, the Ottawa delegation returned to Regina. The RCMP stopped anyone else from boarding a train or travelling east by car.
- On July 1, 1935 a rally of 2000 people gathered to support 300 trekkers who had left the Exhibition grounds to gather at Market Square in Germantown (now the Regina City Police Station).
- At 8:15, riot squad attacked the crowd from all 4 sides of the square. The RCMP used tear gas and fired guns into the crowd. Stores and offices were burned and people barricaded streets with cars.
- 140 trekkers were arrested. Hundred were injured and taken to hospital or cared for in private homes.
- Charles Miller, a plainclothes policeman, and Nick Schaack, a Trekker, died.
- Police installed barbed wire stockade around the exhibition grounds where most of the trekkers were.
- The Saskatchewan government paid to return trekkers back to the coast.
- Canadian public support for social welfare became widespread and some of the trekkers demands were eventually met.

³ https://en.wikipedia.org/wiki/On-to-Ottawa_Trek

- Image: trekkers from unemployment relief camps climbing on boxcars in Kamloops, British Columbia.

Battle Ballantyne Pier⁴

- 1935 –
- Dock workers organized by the Vancouver and District Waterfront Workers' Association
- We locked out in Powell River.
- Vancouver dock workers refused to handle “hot” freight from Powell River and were also locked out. Seattle workers refused to handle Canadian freight in solidarity.
- On June 18, 1935, 900-1100 locked out dock workers marched through Vancouver towards Ballantyne Pier where non-union workers were unloading ships.
- Dock workers were met by several hundred armed police officers.
- Many marchers were clubbed and shot by police as they tried to run to safety.
- The Vancouver and District Waterfront Workers' Association union hall was attacked.
- Tear gas was deployed against women's' auxiliary members and injured workers at the first aid station.
- This is the first time tear gas was ever used against a civilian population.
- Image: mounted police chasing protestors through Vancouver's East End during the Battle of Ballantyne Pier

Bloody Sunday⁵

- As in 1935, unemployed men from across the country drifted to British Columbia because of the milder climate and because provincially-run relief projects in forestry camps paid as much as three times that of equivalent farm placements.
- The federal government stopped relief funding, and the provinces cancelled all the workfare projects.
- Unemployed men flocked to Vancouver to protest the lack of government support.
- 1938 –The Relief Project Workers' Union organized demonstrations and tin-canning (organized begging) in the city.
- 1000 protesters occupied Hotel Georgia, the Vancouver Art Gallery (then located at 1145 West Georgia Street), and the main post office (now the Sinclair Centre) in a sit-down strike.
- The owner of the Hotel Georgia negotiated for the demonstrators to leave for \$500.
- Demonstrators occupied the other sites for weeks.
- Police told them to go home. They responded that if they had homes to go to, they would be in them.
- At 5am on June 19, 1938, demonstrators were evicted from the gallery. Tear gas was deployed.
- The RCMP forcibly evicted demonstrators from the post office. Police used tear gas and batons. 37 unemployed men were hospitalized.

⁴ https://en.wikipedia.org/wiki/Battle_of_Ballantyne_Pier

⁵ [https://en.wikipedia.org/wiki/Bloody_Sunday_\(1938\)](https://en.wikipedia.org/wiki/Bloody_Sunday_(1938))

- During a march back to the East End (the Downtown Eastside), Woodward's and Spencer's department stores and other shops were vandalised.
- The injured were treated by volunteer doctor at the Ukrainian Labour Temple, a benevolent society that provided medical care to anyone, before there was universal healthcare in Canada.
- 10,000 to 15,000 turned out to a protest at the Powell Street Grounds (now Oppenheimer Park) against the "police terror" of Bloody Sunday. Many thousands also turned out to the CPR pier to see off a delegation to meet with the premier in Victoria. Federal relief funds were not restored.
- Image "Citizens protest police terror": Demonstration against police brutality in Oppenheimer Park

Labour History – Rights Through Legislation?

US *Wagner Act* 1935

- Employees have the right to join a trade union and engage in collective bargaining; explicit objective to rebalance employee vs. corporate power.

Wartime Labour Relations Regulations 1944

- *Emergency Order in Council P.C. 1003* 1944
- Mirrors *Wagner Act*: protected the workers' right to organize and required employers to recognize unions chosen by a majority of workers. This emergency law was extended by two years after the war's end to ensure labour stability in the transition to a peacetime economy.
- <https://www.historymuseum.ca/cmhc/exhibitions/hist/labour/lab31e.html>

Ford Windsor 99-day strike 1945 leads to Rand Formula (dues check-off)

- The Windsor Ford Strike was a 99-day strike from 12 September to 19 December 1945 by 11,000 employees of the Windsor, Ontario, Ford Motor Company plant.
- 8,000 auto workers from other plants also participated.
- United Automobile Workers of Canada (UAW), demanded recognition of their union by Ford and mandatory membership for all plant workers.
- The strike was ultimately resolved through binding arbitration under Supreme Court Justice Ivan C. Rand and resulted in the widely used Rand Formula.
<https://www.thecanadianencyclopedia.ca/en/article/windsor-strike>
- The Rand Formula establishes the legality of automatic dues check-off from all those covered by a collective agreement. This prevents “free riders”, or workers who would benefit from the activities of the union but do not want to pay union dues.
<https://cupe.ca/fact-sheet-union-dues-and-rand-formula>

1950s and 1960s

- Increasing militancy and job action over union recognition (Rand Formula) led to Federal Commission recommending Rand Formula as law

Early 1970s

- Manitoba and Quebec legislate Rand Formula – Feds and most other provinces adopt in mid-80s

So what?

- Workers’ rights have resulted from both collective action and struggle
- Workers’ rights are not given they are won

Activity: Labour History Discussion

1. These events are not usually covered in history classes. Why do you think this is?
2. These actions are all recorded by history as failures. What did labour win from these events?
3. What was the role of federal troops and police officers during these events? What is different about their role in labour disputes now? If you think it is different now, why?
4. These events happened against the backdrop of tremendous inflation, economic depression, and war. Why do you think this matters? What does it tell us about the future?
5. What role did professional workers play during these disputes? What does it tell us about the future?
6. Participants in all of these events were accused of being Bolsheviks (communists). Why is this? What is different about how labour activists are described today? If you think it is different now, why?
7. The Vancouver General Strike and the Winnipeg General Strike took place a year apart. How are they related? Why is this?
8. The Battle of Ballantyne Pier and the On to Ottawa trek took place at the same time. Do you think this is a coincidence?
9. What is significant about the charge of sedition? Why were labour organizers deported?
10. What does it mean for unions to have union recognition in the law? What is a disadvantage of this?

Structure of the Labour Movement

	International Labour Organization	
PIPSC	Canadian Labour Congress	Parliament
PEA	BC Federation of Labour	Legislative Assembly
Chapters	Labour Councils	Municipal Government
Worker		

Political action is how unions communicate our demands to government. For this reason the structure of the labour movement mirrors the structure of the Canadian government.

Workers in our union are organized into Chapters. There are many chapters covering many workplaces, but there are PEA members at all of them.

The PEA is a provincial organization that represent workers at all the workplaces our employers have. We will look into the structure of our provincial union in a little bit.

The Professional Institute of the Public Service of Canada is the National union to which the PEA is affiliated. It helps PIPSC members from across the country communicate with each other, and it communicates union issues at the federal level.

All legitimate trade unions in Canada are chartered by the Canadian Labour Congress. They exist because the CLC gives them a Charter that makes them a member of the House of Labour. The CLC communicates labour issues to the federal government on behalf of all union workers in Canada. It also participates in the ILO.

The CLC also charters the BC Federation of Labour. The BCFed communicate labour issues to the Provincial Government on behalf of union workers in British Columbia. There are provincial federations of labour in all the provinces and territories.

The CLC also charters Labour Councils. These are places where all the union workers from a region can come together to share information and receive training. The Labour Councils in British Columbia are:

- Campbell River, Courtenay and District Labour Council
- East Kootenay District Labour Council
- Fraser Valley Labour Council
- Kamloops and District Labour Council
- Kitimat-Terrace and District Labour Council
- Nanaimo, Duncan and District Labour Council
- New Westminster and District Labour Council

- North Central Labour Council of British Columbia
- North Okanagan Labour Council
- Port Alberni and District Labour Council
- Prince Rupert Labour Council
- South Okanagan-Boundary Labour Council
- Squamish and District Labour Committee
- Sunshine Coast Labour Council
- Vancouver and District Labour Council
- Victoria Labour Council
- West Kootenay Labour Council

Any union member can attend a labour council meeting as a guest and watch a meeting.

Union members can participate at each of these organizations. Delegates are elected, or appointed.

The structure of our movement mirrors the structure of government.

The president of PIPSC and the CLC speak to the Prime Minister about our issues.

The president of PEA and the BCFed speak to the Premier of British Columbia about our issues.

Labour Council organizes endorsements for labour-friendly candidates to local government (Mayor, Council and School Board)

Union Approaches to Political Action

Different Unions in Canada take different approaches to supporting political parties, for example:

- PEA is non-partisan – get out the vote strategy
- Steelworkers support NDP
- Professional Institute of the Public Service of Canada (PIPSC) focused on “issues-based” political strategy (e.g., campaigns against Conservatives to end the muzzling of scientists)

Union Issues

Organized labour has advocated for a lot of political issues. In addition to the formative issues we saw like union recognition, and limit to working hours and employment standards, modern political action has focused on:

- Protection of workers’ pensions in the event of a corporate bankruptcy
- Increases to minimum wage
- Phoenix pay system: Over 200,000 workers and their families have suffered financial and emotional fallout
- Expansion of the Canadian Pension Plan and Pharmacare
- Endorsement and volunteering for progressive candidates

Recent Positive Changes Introduced to the Employment Standards Act in BC

- Employer can’t take workers tips
- Child worker age raised from 12 to 16 and protecting workers aged 16 to 18 with restrictions on hazardous work
- Expanded job-protected leaves (e.g., unpaid domestic violence leave)
- Elimination of the self-help kit and replace with a complaints process support enforcement of employment standards
- Reinstated that union workers are entitled to employment standards act minimums, reversing legislative changes by the previous government that had removed these basic rights
- Introduced five paid days of sick leave for provincially-regulated employers in British Columbia. This paid leave is in addition to the three days of unpaid sick leave currently required and is distinct from temporary paid COVID-19 leave.

Recent Positive Changes to the Labour Code in BC

- Extend successorship rights to vulnerable sectors when re-tendering service contracts to stop contract flipping that sees workers lose their collective agreement
- Increase fines for employers breaching the Code
- Shorten the timeline between application for certification and an employee vote from 10 to five days

- Making certification easier by removing the need for workers to sign a card and then vote later, in situations when support for the union is above 55%

Union Density

When there are barriers to organizing, union density decreases. The Supreme Court of Canada recognized the right to choose and to form unions, to collective bargaining, and the right to strike and picket as constitutionally protected activities.

Activity: Political Action Discussion

1. Is labour still in an era of rights through struggle?
2. How important is it to preserve labour relations legal frameworks like the Rand Formula?
3. What opportunities are there for labour to improve how it is perceived by the public and members?
4. Given the trend for decreasing union density, what role should unions, including the PEA, play in society?
5. What form should our political action take?
6. Given our context, what is particularly important for the PEA?

The Professional Employees Association

The PEA was formed in 1974, by a group of professionals working in the public sector.

Contact for our union is:

Professional Employees Association
505 - 1207 Douglas Street, Victoria, B.C. V8W 2E7
Telephone (250) 385-8791 • Fax (250) 385-6629
Toll-free within B.C. 1-800-779-7736
www.pea.org

PEA Website

Explore the following sections of the website for important information:
The History page year-by-year chronology of event which are important to our union.
<https://pea.org/history>

Each Chapter has a page with important information about general meetings, the executive, contact information for their Labour Relations Officer (LRO), their Local Rep, and the Collective Agreement for that chapter. <https://pea.org/chapters>

My Chair _____

My Local Rep _____

My LRO _____

The Resources page <https://pea.org/resources> contains

- Forms
- Scholarships and Bursaries
- Education Opportunities
- Grants and Donations
- Info for Local Reps
- Collective Bargaining 101
- Opportunities to Volunteer
- Pandemic Resources
- Information about Job Action

PEA Membership

The PEA is a union of and for professional employees.

PEA bargaining units consist entirely or mostly of professionals - people whose work typically requires that they have earned at least one university degree.

Some of the jobs our members have include River Forecasters, Climate Action Foresters, Teachers, Software Engineers, and Youth Librarians.

We represent:

- Government Licensed Professionals
- Family Maintenance Agency Lawyers
- Health Science Professionals
- Hospital Employees' Staff Union
- Law Society of British Columbia Lawyers
- Legal Aid BC Lawyers
- Okanagan Regional Librarians
- Oil and Gas Commission
- St. Margaret's School
- University of Victoria Academic and Administrative Professionals

The PEA has 10 Bargaining Units and 9 Chapters, some of whom are Government Licensed Professionals from the BC public service, but we also represent members in other workplaces. The largest group after government is the Chapter for administrative officers, systems specialists, program coordinators, academic assistants, laboratory instructors, and many other classifications at the University of Victoria.

<i>Bargaining Unit</i>	<i>Date Certified</i>	<i>Size</i>
<i>Family Maintenance Enforcement Program (FMEP)</i>	<i>1995</i>	<i>12</i>
<i>Government Licensed Professionals (GLP)</i>	<i>1974</i>	<i>1211</i>
<i>Hospital Employees' Staff Union (HESU)</i>	<i>2017</i>	<i>167</i>
<i>Health Science Professionals (HSP)</i>	<i>1998</i>	<i>294</i>
<i>Law Society Lawyers (LSL)</i>	<i>2006</i>	<i>50</i>

<i>Legal Services Society Lawyers (LABC)</i>	<i>1981</i>	<i>25</i>
<i>Oil and Gas Commission (OGC)</i>	<i>2006</i>	<i>29</i>
<i>Okanagan Regional Librarians (ORL)</i>	<i>1988</i>	<i>25</i>
<i>St. Margaret's School (SMS)</i>	<i>2000</i>	<i>104</i>
<i>University of Victoria (UVic)</i>	<i>1995</i>	<i>1135</i>

Table updated August 16, 2022

Our History

- 1974 The PEA is founded and certified by the Labour Relations Board
- 1975 95% of voting members in the public service approve the Association's first strike mandate
- 1980 Constitutional amendments pass enabling the PEA to organize outside of the BC government
- 1982 The PEA participates in operation solidarity
- 1999 PEA members participate in their first ever strike action in our health chapter
- 2002 The PEA launches a campaign and participates in protests against dramatic cuts to BC public servants
- 2013 The PEA joins the BC Federation of Labour for a trial affiliation after a membership referendum
- 2016 The PEA joins the BC Federation of Labour and the Canadian Labour Congress
- 2020-22 PEA members provide services to the public during a global coronavirus pandemic

PEA Structure and Governance

- The Structure of our union is set out in the union's constitution and bylaws, which are available on the website here <https://pea.org/node/347>
- Like all trade unions, the strength and direction of our union comes from our members.

The Membership

The general membership elects chapter executives; and elects delegates to convention. Members ratify chapter bylaws and collective agreements, and determine the policies and the future of the Professional Employees Association.

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 nine chapters.

Chapters hold regular meetings to do business, to elect delegates to convention, and to submit resolutions to convention.

Each Chapter elects a Chapter Executive.

Chapter Executives

- Appoint local representatives
- Appoint contract/bargaining committees
- Authorize expenditure of chapter grant funds
- Appoint members to the Association Executive

The Association Executive

The Association Executive governs the Association between conventions.

The Association Executive consists of the President, First Vice-President, Second Vice-President and Secretary-Treasurer (the Table Officers) who are elected at convention; and chapter representatives appointed by their chapters.

It handles:

- Policy
- Strategic planning and outcomes
- Financial management
- Various working committees

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.

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 bylaws, 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 bylaws require that convention be held triennially.

PEA Committees

There are opportunities to serve on a number of PEA committees. Our committees are:

Bargaining Committee

The task of the 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 reached 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 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 on various PEA education initiatives. The committee consists of the Second Vice-President (chair), two additional executive members and two PEA members-at-large.

Awards Committee

The Awards Committee assesses the applications for PEA scholarships, bursaries and the nominations for the PEA Service Award. The committee is created annually and consists of two executive members and up to two members-at-large, and the Executive Director or their designate.

Service Awards

In 1986 the Association began awarding service pins to former and present members in recognition of special contributions to the Association. Prior to the Annual Convention the Awards Committee recommends members for service awards.

PEA Scholarships

The Association awards up to twenty scholarships of \$1000 each to members and their relatives based on essays received on a topic chosen each year.

PEA Bursaries

The Association awards up to twenty bursaries of \$500 each to members based on a random draw of all eligible applicants.

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 recommend 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.

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.

PEA Staff

The PEA employs a staff to support our members in their work as activists, and on the job.

These include:

The Executive Director who reports to the Association Executive. They:

- coordinate all Association activities,
- implement executive decisions and policies
- assist the executive to ensure the Professional Employees Association is an effective bargaining agent for professionals.
- Leads development and negotiation of collective agreements
- managing and directing the staff members of the Association.

Labour Relations Officers (LRO)

Communications Staff

Administrative and Financial Staff

The Association services the membership out of the Victoria office.

External Authorities

The PEA must comply with:

- BC Labour Relations Code
- Human Rights Act (federal),Human Rights Code (provincial)
- Personal Information Protection Act (PIPA)
- Workers Compensation Act and Regulations
- Employment Standards
- Public Service Act, Public Service Labour Relations Act
- Arbitral Law
- Other Statutes

Role of the Local Representative

The Local Rep is an important resource for their coworkers, and the PEA. Local Reps provide:

- On-the-job representation
- Members' regular link to the PEA
- The face of the PEA in most workplaces
- Important link in PEA communications
- Advocate for members

Some of the things a Local Rep might do:

- Greet new employees and answer their questions.
- Get new members to sign membership application form.
- Direct members to other resources, including PEA staff and website.
- Tell members about education, volunteer, and grant opportunities.
- Assist and advise members.
- Circulate meeting notices, encourage members to attend.
- Promote and defend the PEA.
- Help to enforce the collective agreement by bringing violations to staff attention.
- Keep members informed during bargaining, etc.
- Provide leadership.
- Attend meetings with management.
- Provide union representation to members in employer investigations.

Skills for Good Representation

Communicating

- Be open, non-judgmental, and fair
- Be open to members and respectful (but firm) with the employer

Investigating

- Ask the 5 Ws to find out what happened in the potential grievance or incident
- Ask the member what they want

Record keeping

- Your notes may form the basis of the grievance, and your evidence might be pivotal in an arbitration.
- Your notes WILL assist an LRO who supports your member
- Your experience will help the bargaining team make the Collective Agreement better

Conflict Resolution

Conflict is:

- unavoidable
- a natural part of life and growth
- exists in all human relationships
- comes in many forms

Without conflict there would be no change and no challenge. By developing self-awareness and communications skills, we can work on the challenge and growth in conflict. This is more productive than allowing conflict to fester and blow up by ignoring it.

Conflict can be defined as:

- A relationship between two or more parties (individuals or groups) who have, or think they have, incompatible goals
- An ongoing condition where one party perceives that the other party is blocking their goals
- A struggle over values and beliefs

What is conflict resolution?

- A way to deal with confrontations before they escalate into violence
- It involves getting to the underlying causes and issues, and trying to find a solution that satisfies both parties

Conflict vs. Dispute

Conflict is an ongoing condition in which two or more parties with different goals and interests perceive that the other is blocking them from achieving that goal. Two people can be in conflict for a long time before a dispute ever arises.

The dispute is the event where the conflict "blows up": becoming visible and public. It is a common, though natural mistake to focus on the dispute rather than on the conflict.

Workplace example:

If a co-worker yells at another co-worker, a good question to ask is, "what was the nature of the conflict between them that led to the aggression?" As with disease, if you treat the symptoms rather than the underlying causes, you won't solve the problem and could make the situation worse.

Is conflict always negative? → No. It's the way we choose to deal with conflict that makes it a positive or negative experience.

Sources of Conflict in the Workplace

- workload
- the way the work is structured
- lack of information
- different personalities
- poor communication skills
- different expectations
- stereotypes

Responses to Conflict

The way people respond to conflict depends on several circumstances. With different people in different situations responses vary. The key is having skills in all areas and the ability to choose how you want to respond in a particular situation.

Avoid

- Hoping the problem will go away
- Doesn't address the conflict
- No attention to one's own needs or those of the other
- Might be letting an issue go, being diplomatic, or simply withdrawing from a threatening situation
- Effective when time, place or personal health makes it inadvisable to pursue a discussion

Accommodate

- Meeting the concerns and needs of the other person
- Doesn't address your own needs
- Giving in or yielding the other person's views
- Effective when you want to work co-operatively with the other person without trying to assert your own concerns

Compromise

- Looking for a mutually acceptable solution which somewhat satisfies both parties
- You give up something and they give up something in order to come up with a solution you both can agree to
- Helps both parties save face
- Effective when you and the other person both want something and you both know you can't have everything you want

Two Aspects of the Local Rep Job

There are two types of duties for a Local Rep

1. Administering the Collective Agreement (discipline and grievances), and
2. Bargaining a better agreement.

Enforcement of the Collective Agreement

The Collective Agreement

The Collective Agreement is our contract. It sets out working conditions, hours of work, rates of pay, how new members are hired, and what to do if there is a dispute. It is collective, because it applies to all PEA members in the workplace, and it is the result of collective bargaining between the PEA and our employer.

Other workers in our workplaces are in other unions, and they have collective agreements of their own with the employer. In some sectors, we bargain together with other unions.

Activity: Your Collective Agreement

Find your collective agreement.

Identify the article or section in your Collective Agreement for each key provision. Think about what rules would apply if this language was not in the collective agreement.

Key Provisions

Union Recognition

Management/Employer Rights

Anti-harassment

Working Conditions

Pay, Benefits, and Leave

Professional Development

MOU/MOA/LOU/ Appendices and Schedules

Grievance Procedure

Activity: Grievances

Discussion

- What is a grievance?
- What is the grievance process?

The Collective Agreement is a list of our rights. If we don't enforce them, our members won't benefit from the rights we've negotiated for them.

The grievance process is an agreed-upon way that we ask that our rights be respected.

Enforcement: Types of Grievances

There are different types of grievances⁶. They are named by the people they affect.

- Individual grievances are about one specific member (Raj did not get their overtime pay)
- Group grievances are about several members (no technician 2 has received a shift premium for working on a holiday)
- Policy grievances affect all members of the bargaining unit (the employer stopped considering seniority in hiring decisions)
- Union grievance occur between the parties (the union grieves that the employer has stopped submitting union dues)

Most of the grievances a Local Rep will help with are individual grievances.

Activity: Your Grievance Procedure

Grievances follow a set procedure with a defined number of steps.

Describe the number of steps in your grievance procedure. Are other's steps the same? Why not?

If grievances cannot be resolved between the parties, they may be referred to an arbitrator for a decision.

Principles of Labour Law

Collective Agreement enforcement happens within the framework of Labour Law. Here are some basics:

Insubordination

- Workers owe a duty of loyalty to our employers. This means we cannot misuse the employer's equipment or information, we be at the workplace and working when we are supposed to be there, but we must also follow directions from the employer.
- Members who disobey an employer's direction can be disciplined.
- There are some rules about how discipline must occur.

⁶ <https://canadianlabour.ca/uncategorized/section-4-grievances/>

Just Cause

- All members of unions in BC have the right under the Labour Code to “just cause”. There has to be a reason why an employee is disciplined or dismissed.
- The collective agreement provides a “just cause” clause.

Progressive Discipline

- Union members must be given the opportunity to do well and to meet the employer’s expectations.
- Employers cannot simply throw the book at a member who makes a mistake.
- Discipline needs to be proportionate to the conduct.

Case Study: [Wm. Scott](#)

Margaret Martelli, worked for a poultry-processing plant in Coquitlam. She was also the financial secretary for UFCW Local P-162. After a story ran in the province about a turkey shortage, the member called the Province. She was quoted in a subsequent article. She said, among other things: You wouldn’t believe the inefficiencies at the plant’...almost daily between 20 and 35 women waste almost 20 minutes arguing over the use of a hose.” She was terminated for insubordination. A panel of arbitrators upheld the termination. The Labour Board was asked to review the decision.

The decision of the BC Labour Relations Board⁷ in *William Scott & Co. v. C.F.A.W., Local P-162*, 1976 CarswellBC 518, [1977] 1 Can. L.R.B.R. 1 provides the three-step test regarding just AND reasonable cause for dismissal by asking:

1. Has the employee given just and reasonable cause for some form of discipline?
2. Was the employer’s decision to dismiss the employee an excessive response considering all circumstances and mitigating factors?
3. If the discipline was excessive, what alternative measure should be substituted as just and equitable?

In EVERY case involving discipline there are mitigating factors to consider. The ten basic factors set out in *William Scott* are:

1. The previous good record of the grievor
2. The long service of the grievor
3. Whether or not the offence was an isolated incident
4. Provocation

⁷ <http://www.employmentlawbc.com/wm-scott-co-re-discipline-and-discharge-in-a-unionized-workplace/>

5. Whether the offence was committed on the spur of the moment as a result of a momentary aberration, due to strong emotional impulses, or whether the offence was premeditated
6. Whether the penalty imposed has created a special economic hardship for the grievor in the light of his particular circumstances
7. Evidence that the company rules of conduct, either unwritten or posted, have not been uniformly enforced, thus constituting a form of discrimination
8. The likelihood that the grievor misunderstood the nature or intent of an order given to him, and as a result disobeyed it
9. The seriousness of the offense
10. Any other circumstances or mitigating factors

This checklist is not exhaustive. In almost every situation there are mitigating factors which most discipline and discharge decisions can be challenged including:

- Was the employee given advance warning of the possible and probable disciplinary consequences of continued misconduct?
- Did the employer make earlier efforts to educate or rehabilitate the employee causing the problem?
- Was the specific discipline based on progressive discipline approach?
- Before administering discipline, did the employer make an effort to discover whether the employee did, in fact, violate a rule or order of management?
- Was the employer's investigation conducted fairly and objectively or was it fully completed before disciplinary action was taken?
- Was the employee given an opportunity to give his/her side of the case?
- Did the investigation produce substantial evidence or proof that the employee committed the offense?
- Had the employer applied its rules, orders, and penalties consistently without discrimination?
- Have there been other discipline problems in the past, and over how long of a period?
- Is this the current problem part of an emerging or continuing pattern or discipline infractions?
- Was the employee provoked in whole or in part to commit the misbehavior?
- Are there extenuating circumstances related to the problem such as employee's economic hardship, domestic or emotional problems?
- Did the employee commit the offence on the spur of the moment as a result of a momentary aberration due to strong personal impulses, or was the offence premeditated?
- Was the degree of discipline administered in the particular case reasonable related to the seriousness of the offense and the employee's work record?⁸
- In this case, the member's bad record contributed to the Board finding the termination was warranted. The rule from this members case helps us represent other workers.

⁸ <https://www.memberresourcecentre.com/knowledge-base/the-legal-test-for-discipline-and-dismissal-is-it-just-and-reasonable/>

Other Principles of Labour Law

Standard of Proof

Balance of probabilities, not beyond reasonable doubt as in the criminal standard.

Employer Policies (KVP)

Despite our duty to not be insubordinate, management rights are not absolute.

KVP establishes the test for challenging workplace policies unilaterally adopted by the Employer:

A rule unilaterally introduced by the company, and not subsequently agreed to by the union, must satisfy the following requisites:

- It must not be inconsistent with the collective agreement.
- It must not be unreasonable.
- It must be clear and unequivocal.
- It must be brought to the attention of the employees affected before the company can act on it.
- Employees concerned must have been notified that a breach of such rule could result in discharge if the rule is used for a foundation for discharge.

Members see the employer trying to comply with this rule when employer policies are sent to all members, usually by email. This is usually a signal that the employer intends to rely on the policy.

Sole Bargaining Agent

The PEA is the exclusive bargaining agent for PEA members.

The *BC Labour Relations Code* says:

"bargaining agent" means

- (a) a trade union certified by the board as an agent to bargain collectively for an appropriate bargaining unit, or
- (b) a person, or an employers' organization accredited by the board, authorized by an employer to bargain collectively on the employer's behalf;

Effect of certification

- 27 (1) If a trade union is certified as the bargaining agent for an appropriate bargaining unit,
- (b) it has exclusive authority to bargain collectively for the unit and to bind it by a collective agreement until the certification is cancelled.

This means grievances and bargaining are done by the union, and not by individual members.

Duty of Fair Representation

Section 12 of the Labour Relations Code binds unions to fairly represent our members. This flows from the union's role as the sole bargaining agent for members of the bargaining unit.

This duty is relevant to your work representing members in the workplace. It means you must respond to requests from members about workplace issues, keep good records, and represent members in discipline and investigation meetings.

Representing Members at Meetings

Representational Rights are fundamental in the disciplinary process:

"The expectation is that, with their experience, union representatives can improve the disciplinary process and make it more balanced by giving employees counsel and advice, and by directing the employer's attention to matters that it might otherwise fail to consider."

- There is no unfettered right to remain silent during an employer's investigation.
- An employee's response to a question may determine the employer's course of action.
- A local rep does not have the right to interfere with the investigation.
- A local rep should keep good notes of what happens in the meeting.
- Representational rights can be lost or waived.
- Make sure your members know they may be entitled to have a rep at a meeting that could lead to discipline
- Be prepared for the meeting!
- Gather as much information as possible from the employer, the employee(s) and your labour relations officer.

Procedural Fairness

Local Reps ensure that due process (procedural fairness) is followed.

These processes may arise from:

- The collective agreement
- Laws (e.g., Human Rights, Labour code, Workers Compensation Act, etc.)
- Employer policies and practices
- Principles of natural justice

Guidance: Representing Members at Meetings

WHY ARE REPRESENTATION RIGHTS SO IMPORTANT?

Representational rights are fundamental. As stated in Brown and Beatty:

"The expectation is that, with their experience, union representatives can improve the disciplinary process and make it more balanced by giving employees counsel and advice, and by directing the employer's attention to matters that it might otherwise fail to consider."

- Unlike grievance meetings, investigatory meetings are "on the record" (i.e., not privileged).
- Representation is important to correct the power imbalance between employer and employee.
- Members are vulnerable in discipline investigations. They need support.
- Employers have the right to discipline and employees have the right to representation.
- Human Resources staff generally support managers and look after the interests of the employer. Local Representatives support members.
- Employees are often unaware of their rights whereas Human Resources staff are generally more familiar with workplace policies, laws, etc.
- Employees may experience heightened emotions due to stressful circumstances. The Local Rep can help diffuse the tension by providing the member with the sense that someone is on their side.
- Local Reps can provide balance in terms of presenting evidence. Employees can be nervous, inarticulate, present evidence poorly or blurt out misleading information. Local Reps can ask questions of the member at the meeting to help them get their story across.
- Local Reps keep the employer and the employee focussed on issues and facts relevant to the investigation.
- Local Reps prevent investigations from escalating into confrontations. For example, a manager may arrive at an investigation meeting in an angry state wanting to yell at the member for their behaviour. The Local Rep should stop the manager and explain that yelling is not acceptable behaviour at any meeting. Or, the manager may be looking to "punish" an employee for certain behaviour. A local rep should explain that discipline is meant to be corrective

and not punitive. Further, it only applies if the member's behaviour is culpable.

- The Local Rep is there to assist the member in such a way that when the meeting adjourns any unpleasant experience is shared by the management representative in attendance: Whenever an employer decides to discipline a member they need to be aware that it's not only the employee's actions that will come under scrutiny but also their own. The level of scrutiny will be defined by how they approach the member. If they are hostile and aggressive then the Union is likely to attack their decision making with the same vigour. If they are compassionate and show a genuine concern for the member then the Union is likely to be less strident in our defence and the approach we take.
- Local Reps should demand inclusion at non-disciplinary meetings as well. For example, as one arbitrator has stated: "In the non-disciplinary setting the function of the union representative is similar. I do not think that it can be said that an employee who is suffering from a serious illness requires less protection when she is told that her employment is terminated because of the illness."
- Local Reps should do more than just act as observers! Representation needs to be active. The rep must investigate, analyze, and then advise the member. Failure to consider all relevant factors may be considered arbitrary conduct.
- Although Local Reps are not lawyers and are not expected to meet the standard of lawyers, reps have a role analogous to that of defense counsel.
- Local Reps should be cautious of being overzealous. Do not thwart or interfere in the employer's investigation. Do not intimidate other members to provide inaccurate information.
- Local Reps should be cognizant of the ongoing relationship between the Union and the employer.

The Right to Remain Silent

- There is no unfettered right to remain silent during an employer's investigation meeting.
- Remaining silent may lead the employer to draw an inference.
- In some cases (e.g., where a member may be charged criminally) it may be wise to encourage the member to remain silent and face the labour relations consequences (i.e., discipline). It may also be possible to have the employer agree to delay the investigation until the criminal investigation is completed.
- An employer can take into consideration an employee's lack of response or delayed response when determining an appropriate level of discipline.

- There are cases where being honest and forthcoming can help the member. As one arbitrator states:
“...The rule is that the reaction of the employee upon being confronted is a matter that may be properly taken into account because it reflects on whether the employee may be rehabilitated. If the employee is contrite and sincerely remorseful about what he has done, while it does not excuse the conduct, it may indicate that the relationship is capable of being restored.”

Due Process

Local reps ensure that due process is followed. These processes may arise from:

- The collective agreement
- Laws (e.g., human rights, labour code, Workers Compensation Act, etc.)
- Employer policies and practices
- Principles of natural justice

Employers Gain from Having a Local Rep Present

- A breach of representational rights may result in the employer's decision to impose discipline being reversed or modified by an arbitrator.
- Employers need to do a proper inquiry to establish that there is just and reasonable cause for discipline.
- If a local rep is present at an investigation meeting, the employer may be able to point to the Rep's presence as some assurance that due process was followed.
- A local rep may help expedite the process by keeping focussed on relevant issues.
- A local rep's presence may lead to a quicker settlement since all parties are in the room.

Representational Rights Lost or Waived

- The right to representation may be lost when immediate action is warranted by the employer. This occurs in cases of serious misconduct or gross insubordination.
- An employee may waive their right to union representation. Local Reps should discourage members from waiving this right. Particular care should be taken where it is suspected that a member may be unable to make sound decisions due to a disability, especially mental health or substance abuse.

Preparing for the Meeting

Gather as much information as possible before the meeting from the employer and the employee being investigated. Talk to your Labour Relations Officer.

From the Employer

- Could the meeting result in the member being disciplined? If yes, a representative must be present.
- What is the nature of the meeting?
- List of questions to be asked of employee (not often provided as management wants to see natural reaction from employee)
- Who will be in attendance at the meeting?
- Will other members be interviewed?
- Is there any relevant history that is known?
- Request the employee's personnel file

From the Employee

- Find out the story from the member's perspective. The "who, what, when, where and whys"
- Give the member lots of time to go over their story. Ask questions if something is unclear. Get as many details as possible. You don't want to be surprised at the investigation meeting.
- If there are witnesses or other people that could speak to the issue, connect with them. Do your research.
- Ask about the workplace culture and past practices.
- Encourage honesty and forthrightness.
- Ask the following question: "Are there any mitigating circumstances that may have affected your behaviour?" Explain why you are asking the question. Explain how being honest can help defend the member.

Take Control of the Meeting

Investigation meetings are extremely important. The information gathered can lead to the termination of a member. Don't be afraid to question the manager's actions or lack of action.

Don't be afraid to slow the meeting down. Here are some techniques:

- Ask managers/HR staff to repeat the question.
- Ask for a pause so that you can catch up with your notes.
- Take a bathroom break.
- Tell the employer that you need a private space to have a discussion with your member. Make use of the space. Alternatively, ask the employer to leave the room so that you can have time alone with your member.
- Object to questions that are not relevant. Ask why questions are being asked.
- Object to information being presented that has been previously dealt with.
- Do not let the manager berate, demean or bully the member.

- Ask the manager to get tissues and or water.

The Local Rep can try to have to the employer reduce the amount of discipline (e.g., a verbal warning instead of a written warning).

Research

Collective agreements contain language that outlines the rights of PEA members to representation. (Not all collective agreements contain explicit language regarding representation at investigations.)

Find the language in your collective agreement where it states the right of representation. What is the practice in your workplace regarding union representation?

Consider Strengthening Representation Language in the Next Round of Bargaining

If a collective agreement does not have an explicit provision entitling an employee to union representation at a disciplinary meeting, can the employee insist on the presence of an official? Arbitrators are not agreed.

Ten Questions to Put to Management at an Investigation Meeting:

1. Why are you asking that question? Is it relevant?
2. Did you do anything to support the employee?
3. When did you become aware of the problem? Why didn't you act in a timely matter? Did you make the employee aware that there was a problem? How? When? (Employers should not keep a laundry list.)
4. Have other employees been interviewed?
5. What facts are you basing your questions on?
6. Did you ever suspect that the employee may be suffering with an illness, experiencing family problems, etc.? What did you do to support the employee?
7. Why are you interviewing this employee and not others who have performed similar actions?
8. What are you hoping to accomplish through the interview process?
9. Do you know that all your colleagues think you're a bully?
10. Can I show you the section of the collective agreement where it spells out the rights that you are clearly infringing on?

Guidance: Note Taking at Investigation Meetings

- Note taking is often a key to successful grievances. Be organized.
- Do not be afraid to slow the meeting down in order to catch up on your notes.
- Ask management for the list of questions to be asked of the member. If management refuses, slow the process down and make sure to write down all of the questions.
- Imagine that in five years someone is reviewing your notes. Will they be able to understand them?
- Write legibly. Review your notes post-meeting. Make sure to flesh out any missed details. Consider rewriting your notes if they are sloppy. (This can seem like too much work. However, it is worth it. Notes are worth their weight in gold!)
- Do not add personal commentary in your notes. Keep a separate document for theories, to do lists, etc.
- Be mindful of confidentiality. Notes contain sensitive information (e.g., medical, a member's disciplinary record, etc.).
- Be careful with the storage of your notes. Be careful who reads them and how they are used.
- Imagine your notes were presented at an arbitration as evidence. The more professional your notes, the more credibility they will have. You may be called to testify as a witness and speak of your notes.
- Develop a system for writing out your notes (e.g., wide margins, spaces between lines, coloured pens, etc.). Consider developing a template for taking notes to remind yourself of all the needed items.
- Use abbreviations for common terms to make note taking more efficient. (Make sure that you include a legend so that the abbreviations can be understood by someone else.)

Make sure to include:

- Who is taking the notes
- Date, time, place, page numbers (e.g., 1 of 3)
- Who is in attendance at the meeting
- Who is speaking (use initials as developed at the beginning of your document)
- Times of breaks

- Document emotions (e.g., if a manager is irate, a member is crying, flippant, annoyed, etc.)

Don't be so concerned about your notes that you stop paying attention to the behaviours and body language of those attending the meeting. If the meeting is serious (e.g., could result in termination) consider bringing more than one union representative. One rep can focus on notes while the other actively participates.

REPRESENTATIVE'S CHECKLIST FOR DEALING WITH SUPERVISORS

✓	<i>Be a good listener</i>	The supervisor may have information about the grievance which you don't have and the answers may aid our case at the next stage of the procedure.
✓	<i>Have the supervisor take the burden of proof</i>	If the grievance is real, it is usually because the management has changed something without proper reason; the supervisor should explain why.
✓	<i>Cooperate; but don't be too ready to settle</i>	If you are polite but firm, you stand the best chance of winning the case.
✓	<i>Stick to the point</i>	Don't be sidetracked; they will try to divert you by: <ul style="list-style-type: none"> ➤ waffling (talking a lot & saying nothing) ➤ saying irrelevant things ➤ pretending you agree when you don't agree.
✓	<i>Avoid personal rivalries</i>	Don't antagonize or ridicule the supervisor; it doesn't help settle the case.
✓	<i>Hold your temper</i>	Be calm; don't shout. If you do raise your voice, you must know exactly what you are doing and why (how often does it really work?).
✓	<i>Don't talk too much</i>	You can talk yourself out of a good case.
✓	<i>Don't bluff</i>	If you have a real grievance and the facts to back it up, there will be no need to bluff. If you haven't, bluffing just won't win.
✓	<i>Demand the same respect from supervisors as you give them</i>	In grievance negotiations, everyone is equal in respect and standing. Why? Because the contract has been negotiated between equals (whatever the management might like to think).
✓	<i>Don't discuss personalities</i>	Don't attack people's motives; what happened is much more important than why a supervisor wanted to do it.
✓	<i>Set a definite time for an answer</i>	Delays in receiving a reply may be justified or they may be a stall, designed to get you and the grievor to lose interest in the case. Try to get them to take only as much time for a reply as you think necessary.
✓	<i>Insist on retroactive settlements</i>	The grievor loses his/her rights from day one, not day fifty.
✓	<i>Stick together</i>	Prepare your case; brief each other and the grievor; who's in charge, who says what and when. Never disagree with each other in front of management. Ask for a recess if you think you need it.

-
- ✓ ***Disagree with dignity. If you intend to appeal, say so.*** Don't back down for the sake of a quiet life!
-

DEALING WITH MANAGEMENT

All local reps need to talk to management. Discussions could range from informal conversations with supervisors on the shop floor to formal negotiating committees involving senior management. Whatever the situation, effective negotiations need:

- members' support
- a well-prepared case
- negotiating skills and tactics

Members' Support

No matter how good your case, strong arguments are not enough for negotiating success. Good union organization and membership support are vital. Otherwise, management will be able to ignore arguments.

This doesn't mean you need to threaten industrial action at every stage, but your members' feelings on an issue are central in your negotiating strength.

So be careful to keep members informed. Report back regularly and make sure members understand the importance of the issues you take up. Don't try to bluff management about members' feelings – sooner or later your bluff will be called if you don't have real support.

Preparation

The approach to handling problems sums up the steps you must take to prepare for negotiations:

PROBLEM – What is the problem? Get the facts and check them; talk to members; get advice from fellow local reps.

INFORMATION – Check agreements, legal rights, association policy and custom and practice. Again, get advice from other local reps.

PLAN – Decide on the best way to use the facts and arguments you have collected. Planning is vital. You need to take a number of steps.

AIMS – Decide what you want. This will depend on the problem, and on the information you have about rights, agreements and association policies. It also depends on your members' views, so you must consult them. If the problem affects other groups, you should consider their views and talk to other local reps.

ARGUMENTS – Pick the strongest arguments to support your case. You may decide to use some of these and keep others in reserve. You shouldn't “show your hand” completely in negotiations – you may need to change tack during discussion. Think about management's likely arguments, and how you are going to respond to them.

FALLBACK – It's rare in negotiations to get everything you want. Normally you have to compromise. Work out the minimum you would accept, bearing in mind the case, union rights and your members' view.

SANCTIONS – if management doesn't respond to your case, you may need to point out problems this could cause. It's unwise to make threats unless you can carry them out, so make sure you have real support.

TACTICS – You must have a union-side meeting before seeing management – to agree on what arguments to use, who will be the main spokesperson, and who will come in with extra points. You must also be clear about what compromises are acceptable.

Meeting Management

In negotiations, you should be careful about the following points:

UNITED FRONT – Having one main union speaker is necessary to keep unity. The basic rule is: never disagree in front of management. This would show a lack of preparation by the union. More important, it would allow the management to split the union side, and divide and rule. Other members of the union side should only speak if the spokesperson asks them to. If disagreement seems likely, use an adjournment to sort things out.

NOTES – Someone on the union side should keep notes.

ADJOURNMENTS – Use adjournments to:

- regroup if there are divisions or confusion
- consider new facts and information
- consider a management offer

You will have a limited time and you will need it all. Good notes will help you to review the key points. Avoid a rambling discussion; the spokesperson should draw firm conclusions about the union's new position, and make sure everyone has agreed on any new tactics.

CONTROL THE DISCUSSION – Keep the discussion on your best arguments. Ask management questions, get them to try and justify themselves. Keep the emphasis on

your complaints and grievances. Object if you get evasive answers, and ask for facts if vague statements are made.

GETTING A SETTLEMENT – Your aim is to reach a satisfactory settlement.

This means:

Keep your overall aims in mind. Be careful that you don't fall below your minimum acceptable position.

Watch out for management offers – they will often be phrased in a guarded way. If so, you will need to clarify what exactly is being offered.

Achieve a compromise – it is often easier to get a settlement if both sides feel they have achieved something in the negotiations.

THE AGREEMENT – It is a mistake to leave negotiations without a clear written record of what has been agreed. Do not leave it to the management to send you their record afterwards; keep your own notes, and if necessary, insist on a form of words to be agreed on there and then.

REPORTING BACK – It is the Association's strength that really counts in negotiations. That means members' support. So, reporting back to members on negotiations should be a regular event. You might need to negotiate special facilities from management to enable you to do this.

Activity: Interviewing a Member

Break up into pairs or groups of 3. One person will pretend to be a member with a workplace issue. The other(s) will be the Local Rep. The Rep will ask the 5 Ws to find out what went wrong, and the 6th W – what does the member want.

The Local Rep will describe the workplace incident to the class.

The Role of the Rep in Support of Bargaining

In addition to Enforcing the collective agreement, Local Reps have a role to play in Collective Bargaining, so the PEA can improve the collective agreement. The Collective Agreement is the result of years of negotiations between the union and the employer. As a result, the collective agreement is always a compromise between the parties. We don't get everything we ask for in bargaining, but neither does the employer get to claw back our rights.

Local Representative's Role in Bargaining

- Educate members about the collective bargaining process.
- Answer questions that members might have.
- Get members involved. Consider a one-on-one approach.
- Help get the membership unified and prepared.
- Help convince management that the union is strong.
- Keep your bargaining team and LRO up to speed of any management propaganda.
- Encourage members to attend bargaining update meetings.
- Clear up any rumours or misinformation
- Get members willing to demonstrate their determination for a fair collective agreement.
- Member involvement is the most important element of successful bargaining.
- Help channel activism. If a member has ideas and energy to commit to the union. Support them!
- Once a collective agreement is signed, assist member in understanding the changes.
- Enforce the collective agreement.

Guidance: Support the Union's Bargaining Team

A strong, unified and prepared membership is extremely important in achieving collective bargaining goals. What exactly does this mean? What does this look like in the workplace? A few thoughts on these questions are outlined below.

Be informed: Don't take management's perspective of bargaining as a fact.

Sometimes during bargaining management will communicate directly with members of the union about what is happening at the bargaining table. Management will attempt to divide the members and undermine the authority of the union's leadership. For example, management may initiate discussions with members that pit one category of workers against another by making comments such as: "I heard that the engineers are negotiating special privileges for themselves." Management may also send out bargaining bulletins that contain misleading facts (e.g., the union is making unreasonable demands and has been unwilling to negotiate).

Make sure that you read the bargaining bulletins put out by the union. Attend union meetings and ask questions if you have concerns or uncertainties. Don't spread rumours or pass along management's interpretation of the facts.

Understand how collective bargaining works and what is prohibited under the BC Labour Relations Code.

Sometimes during bargaining an employer provides a benefit to employees that had previously not been provided. Why would they do this? Can they do this? Let us consider a possible scenario: The union determines through their bargaining survey that the most important issue, one for which the members are willing to strike, is a reduction in hours of work from a 40 hour workweek. The existing collective agreement specifies rigidly scheduled eight hour days ending at 4:30 p.m.

The union has reached a point of impasse at the bargaining table. After multiple attempts, the employer has rejected all of the union's proposals relating to a reduction in hours of work. The union bargaining team determines a strike vote is needed to shift the employer's position. A date for the vote is set in two weeks.

Interestingly, during these two weeks you notice that a manager begins approving flex time more liberally and also allows employees to leave early from work. On one occasion, the bargaining team discovers that a manager took all of the employees in his department out for a free lunch and sent them home at 2:00 p.m.!

This scenario is an extreme example; however, in many cases the tactic may be used to some degree. It is something to be aware of that may occur. Employers do this to divide the union's membership and weaken the union's resolve for job action. Why vote to go on strike if it appears that management has already reduced the hours of work?

In fact, there is a provision in the BC Labour Relations Code that states that once notice to start bargain has been served and the term of the collective agreement has expired, the employer and the union must not, except with the consent of the other, alter any of the terms or conditions of employment.

Be visible: Have a presence in your workplace and in your community.

Campaigns to raise the profile of the union are important to get public support, to show management and the government that we are unified, and to bring our members to a place where we see ourselves as part of a collective.

Campaigns should be visible throughout the workplace and in the community. Having posters, buttons, door hangers, stickers, an on-line profile, newsletters, advertisements, banners, etc., are tools that can be used.

In order to demonstrate the determination for a fair contract, the union, for example, may ask members to wear a button on a particular day. The effectiveness of these kinds of actions increases with the number of members willing to participate. There are countless ways to show such determination. Each chapter will need to give some thought to what strategically will work best given their current political context and where they are at with respect to collective bargaining.

Collective Bargaining Basics

Parameters set by Labour Relations Code:

- Good faith bargaining
- Notice to bargain
- Information needed to bargain

Good Faith Bargaining

What is bargaining in good faith?

Bargaining in good faith means meeting with the other side, exchanging proposals for the contents of collective agreement in making a sincere attempt to reach an agreement. Failure to agree with the other side's proposals does not, in itself, constitute bad faith. However, a deliberate strategy by either side to prevent reaching an agreement is bad faith bargaining and contrary to the *Labour Relations Code*.

Notice to bargain

If a notice is not given under subsection (1) by either party 90 days or more before the expiry of the agreement, both parties are deemed to have given notice under this section 90 days before the expiry.

Bargaining protocols can be negotiated between the parties at the beginning of the bargain.

Protocols may be written up and signed or they may be agreed to verbally.

There is no statutory requirement to have protocols.

Protocols answer questions such as:

- Authority to bargain
- Ratification process
- Exchanging of Proposals
- The media
- Bargaining Process (e.g., sign-off sheets)
- Location of bargaining

Strikes

"strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slowdown or other concerted activity on the part of employees that is designed to or does restrict or limit production or services, but does not include

(a) a cessation of work permitted under section 63 (3), or

(b) a cessation, refusal, omission or act of an employee that occurs as the direct result of and for no other reason than picketing that is permitted under this Code

"picket" or "picketing" means attending at or near a person's place of business, operations or employment for the purpose of persuading or attempting to persuade anyone not to

(a) enter that place of business, operations or employment,

(b) deal in or handle that person's products, or

(c) do business with that person,

and a similar act at such a place that has an equivalent purpose;

Strikes and lockouts prohibited during term of collective agreement

(1) An employee bound by a collective agreement entered into before or after the coming into force of this Code must not strike during the term of the collective agreement, and a person must not declare or authorize a strike of those employees during that term.

(2) An employer bound by a collective agreement entered into before or after the coming into force of this Code must not during the term of the collective agreement lock out an employee bound by the collective agreement.

Continuation of benefits

If employees are lawfully on strike or lawfully locked out, their health and welfare benefits, other than pension benefits or contributions, normally provided directly or indirectly by the employer to the employees must be continued if the trade union tenders payment to the employer or to any person who was before the strike or lockout obligated to receive the payment.

Essential Services

“whether or not the dispute poses a threat to (i) the health, safety or welfare of the residents of British Columbia, or (ii) the provision of educational programs to students and eligible children under the *School Act*”

“to designate as essential services those facilities, productions and services that the board considers necessary or essential to prevent immediate and serious danger to the health, safety or welfare of the residents of British Columbia.”

Activity: Collecting Input for the Bargaining Team

- The union has circulated a survey to ask members what they want in the next round of bargaining.
- Members in your unit are too busy to fill it out.
- Pretend you are in the lunchroom with your coworkers.
- What will you say to them to get them to provide input?
- Do they need to fill in the survey, or can you gather their feedback another way?
- How will you communicate it so it gets considered?

Job Action Overview

As a Local Rep, you may be called upon to communicate important information to members if a strike vote or job action is necessary to support our team during negotiations.

- Bargaining impasse – mediation common (non binding)
- Strike vote possible prior to mediation (i.e. leverage)
- PEA membership meetings scheduled prior to any strike vote
- Each PEA chapter member will have opportunity to vote
- High strike vote (e.g. 95%) provides greater influence and power at the bargaining table
- Many PEA Chapters have taken strike votes Leading to leverage for better deals
- Logic, fairness and reasonableness are not primary employer considerations
- “Power“ greatest determinant of success in bargaining
- Power is based on the perception of a union membership’s collective willingness to take action (e.g. 95% strike vote)
- Thorough preparation, data collection, communications, skill and experience of a bargaining committee, other settlements and so on all also play a lesser role relative to an engaged membership, collectively willing to take action
- Job action options: buttons, work-to-rule, overtime bans, one day stoppages, etc.
- Strikes can’t take place until agreement is expired, bargaining at impasse, vote, most likely mediation and 72-hour strike notice provided
- Lawful strike activity cannot lead to discipline
- If a strike occurs, PEA members expected to participate (e.g. picket lines) – can decline but no strike pay – crossing picket lines can have very negative consequences
- PEA strike pay up to 70% of earnings to a maximum of \$150 day less costs of benefits if continued (tax free)
- Well-planned strategy in place in advance of the commencement of any strike (e.g. local planning committees, alliances with other unions)

Activity: Mock Investigations Interviews

Turn to the case studies in Appendix 3 of this manual. You will be acting out investigations interviews with other participants, either on the employee or the employer’s side.

Refer back to the “Guidance: Representing Members At Meetings” section of this manual to prepare.

Resources

Many Resources are available to support you in your role as a Local Representative:

- The Collective Agreement
- Applicable Legislation
- Employer Rules and Policies
- PEA Website
- PEA Constitution and Bylaws
- PEA Policy
- PEA Staff and Contact Information

Make sure you know where to find them.

Review the following information:

- Appendix 1: The Labour Dictionary
- Appendix 2: Canada's Anti Spam Legislation ("CASL")
- Appendix 3: Case Studies
- Appendix 4: PEA Collective Bargaining Policy
- Appendix 5: Member Engagement

Appendix 1: The Labour Dictionary

Affiliated Union. A union, which is a member of a group of unions.

Application for Certification. A request by a trade union to a labour relations board for designation as the bargaining agent for a particular unit of employees.

Arbitration. The procedure by which a board or a single arbitrator, acting under the authority of both parties to a dispute, hears both sides of the controversy and issues an award, usually accompanied by a written decision, which is ordinarily binding on both parties. Arbitrators are usually appointed by the parties concerned, but under special circumstances, they are appointed by the Minister of Labour. Compulsory arbitration is that required by law and is the usual procedure for settling contract interpretation disputes. Voluntary arbitration is in the absence of statutory compulsion.

Arbitrator. Third party chosen to hear a case or group of cases which are submitted for arbitration.

Award. Ruling handed down by an arbitrator.

Back Pay. Wages due for past services - often the difference between money already received and a higher amount resulting from a change in wage rates.

Bargaining Agent. A trade union that acts on behalf of employees either in collective bargaining or as a party to a collective agreement with an employer.

Bargaining Unit. The employee group which is the appropriate unit for collective bargaining. Principal determining factors are history of collective bargaining, work performed, organization and representation of employees, their desires, interests and interchangeability.

Base Rate. The straight-time rate of pay per hour, job or unit, excluding premiums, incentive bonuses, etc.

B.C. Federation of Labour. The major provincial labour organization in BC. In order to join, unions must first be members of the CLC.

Bumping. Exercise of seniority rights by workers to displace junior employees when business conditions require temporary layoffs or the discontinuance of departments.

Canadian Labour Congress. The central labour congress formed out of the merger of the Trades and Labour Congress and the Canadian Congress of Labour.

Ceiling. Upper limit on wages and hours.

Certification. The official designation by a labour relations board of a trade union as the exclusive bargaining representative for employees in a particular bargaining unit.

Check-off. A system whereby union dues and assessments are deducted by the employer from the employees' pay cheques and remitted to the union. A *check-off assignment* is a signed authorization from the employee permitting a *voluntary check-off*. An *automatic* or *compulsory check-off* is one made without specific authorization by each employee.

Classification Plan. A job evaluation method based on comparison of jobs against a money scale.

Closed Shop. A place of employment where the employer has obligated himself to hire and retain in employment only union members.

COLA clause. A provision in a collective agreement which provides for payment of a cost-of-living allowance based on increases in the Consumer Price Index which is compiled by Statistics Canada.

Collective Agreement. An agreement in writing between an employer and the union representing their employees which contains provisions respecting conditions of employment, rates of pay, hours of work and the rights or duties of the parties to the agreement. Ordinarily, the agreement is for a definite period such as one, two or three years.

Collective Bargaining. The process of negotiating a collective agreement or settling grievances in line with the grievance procedure provided in an existing contract.

Compensation. The total package paid to an employee for working, including wages and benefits.

Compensatory Time Off. Time off which, instead of overtime pay, is given to employees who work overtime or; extra time allowed to an employee when a holiday falls on his regular day off.

Consumer Price Index. A monthly statistical study by Statistics Canada which checks retail prices of selected consumer items in a representative group of cities. Strictly, it is not a "cost-of-living" index, though it is often so described.

Contracting Out. Allocating work to be performed by others where such work had previously been performed by the employer or contractor.

Conventions. Form of international treaty by which labour standards are set by the International Labour Organization, subject to ratification by its member countries or; assemblies of union delegates which meet to act upon basic union policies.

Cost-of-Living. Relationship of the retail cost of consumer goods and services to the purchasing power of wages.

Cost-of-Living Adjustment. Adjustment of wages or salaries in ratio to changes in the cost-of-living.

Craft Union. A union whose membership is restricted to workers having a particular skill but which admits workers having that skill regardless of the industry in which they work.

Decertification. Withdrawal by a Labour Relations Board of its certification of a union as exclusive bargaining representative.

Disparity. Variation in pay to workers engaged in similar work in similar industries or in different economic regions.

Dues. Periodic payments by union members for the financial support of their union.

Equal Pay for Equal Work. Principle that wage rates should be based on the job rather than upon the sex, race, etc. of the worker, or upon other factors not related to his ability to perform.

Exclusive Bargaining Right. Right of the union, designated as bargaining representative by a majority of the employees in the appropriate bargaining unit, to bargain collectively for all employees in the unit.

Flex Time. A variation, but not a reduction, in working hours intended to provide better “time-planning” for employees and for flow of work.

Grievance. Any disagreement respecting the interpretation or application of a collective agreement.

Incumbent. The holder of an office or position.

Industrial Union. A union whose membership includes any worker in a particular industry regardless of the particular skill he/she is exercising.

Injunction. A court order which either imposes restraints upon action or, if in mandatory form, directs that action be taken, and is in either case backed by the court’s power to hold disobedient parties in contempt.

Interim Agreement. A collective bargaining agreement setting conditions only for the period from the lapse of one contract until the completion of negotiations on another.

International Union. A union which charters locals in more than one country.

Job Action. Action taken by workers to gain concessions not provided in their union contract or; action to enforce the union contract in the best interests of the workers or to prevent its violation by the employer.

Job Classification. Job rating based on an analysis of the requirements of the work.

Job Content. The actual duties which make up a job.

Job Description. A part of job evaluation involving a review of the nature of the work, its relation to other jobs, the working conditions, the degree of responsibilities and the other qualifications called for by the work.

Job Evaluation. System for fixing the relative value of jobs as they exist in a workplace.

Jurisdiction. Authority of an administrative agency or court to hear and pass judgement upon the merits of a case or; extent of a union's authority over certain workers or certain types of work.

Jurisdictional Dispute, Inter-Union Dispute. A conflict between two or more unions as to which one shall represent a group of employees in collective bargaining or as to which one's members shall perform a certain type of work.

Labour Movement. Endeavours of organized labour to increase its ranks and to promote the welfare of the working class.

Labour Relations. All matters arising out of the employer-employee relationship, most intimately connected, however, with collective bargaining and associated activities.

Labour Relations Board. The board, provided for under the provincial Labour Code, which is responsible for certifications of trade unions, the entering of dispute settling provisions into collective agreements and investigating complaints of bad faith in collective bargaining.

Layoff. Temporary, prolonged, or final separation from employment as a result of lack of work.

Leave of Absence. Permitted absence of an employee for a limited period, ordinarily without pay.

Local Union. The basic unit of union organization. The local has its own bylaws and elects its own officers, but is chartered by the parent union of which it is a part. An *amalgamated local* is composed of units in several plants, each of which is partially self-governing.

Lockout. The closing of a place of employment, a suspension of work, or a refusal by an employer to continue to employ a number of employees done with the purpose of compelling employees or those of another employer to agree to conditions of employment or to refrain from exercising their existing rights and privileges.

Make Whole. Reimburse a discriminatorily discharged employee for the difference between what they would have earned if they had not been discharged and what they did earn, exclusive of unemployment compensation, during the period.

Management Rights, Employer Rights. The body of rights including hiring, production scheduling, contracting and price fixing which management generally contends are not proper subjects for collective bargaining.

Mediation. A means of settling labour disputes whereby the contending parties use a third person - called a mediator - as a passive go-between.

Memorandum of Agreement. A draft or outline resulting from the negotiation of a collective agreement. Both parties agree to various clauses during the negotiation process and the memorandum forms the ruling document on which the collective agreement is later drafted.

Open Shop. A shop in which union membership is not required as a condition of securing or retaining employment.

Overtime. Hours worked in excess of a maximum regular number of hours fixed by statute, union contract, or custom.

Parity. When wage rates and/or benefits between two different groups or unions are equal, they are at parity.

Picket. One who patrols a place of business to publicize the existence of a labour dispute, a union's desire to represent the employees, or the fact of non-union working conditions.

Posting. Required display of the vacancies available for completion within the bargaining unit.

Premium Pay. Pay over and above straight-time pay for time actually worked, including contractual overtime for excess hours, clock-time hours and special days, pay for idle time and absences, bonuses and gifts.

Rand Formula. A union-security plan developed by Judge Rand which provides for the employer to deduct union dues from the pay of all employees and remit the amounts to the union. In addition, all strikes must be authorized by a secret ballot in which all employees may vote. Unions must, under threat of penalties, declare members eligible to cross unauthorized picket lines and fines may be imposed on employees who participate in unauthorized strikes.

Ratification. An act of formal approval given to terms negotiated in collective bargaining by the union members who have the authority to make the final decision of acceptance or rejection. The act of ratification validates the agreement entered into by the negotiators on behalf of the union members.

Recognition. Employer acceptance of a union as the exclusive bargaining representative for the employees in the bargaining unit.

Red Circle. Maintains a rate of pay for a particular employee which is higher than the rate for the job the employee performs. The most common reason this occurs is when work places amalgamate, and there are fewer senior positions. However, "red circled" employees do not receive further increases until their new rate catches up.

Representation Vote. A vote ordered by the Labour Relations Board to determine whether employees in an appropriate bargaining unit wish to have a particular union represent them as their bargaining agent.

Right-to-Work Laws. Laws which, in guaranteeing the individual employee's right to work, have the effect of outlawing union-security contract provisions.

Scab. Worker who refuses to join co-workers in a strike. Sometimes applied to members of a non-striking union who pass through a striking union's picket line.

Slowdown. Concerted reduction of output by employees

Steward. PEA uses the term "Local Representative." Volunteer member who is an expert in union activities and is a representative of the union to members.

Strike. A cessation of work, a refusal to work or to continue to work by employees in combination or in accordance with a common understanding, or a slowdown, or other concerted activities by employees for the purpose of compelling an employer to agree to terms or conditions of work by all union members in a geographical area, usually as a political protest. A wildcat, outlaw, or unauthorized strike is a strike launched without the consent of union officials and is a strike by a minority of the workers in a workplace or bargaining unit.

Strike Benefits. Sums paid by a union to its striking members to help finance them during the strike.

Strike Breakers. Workers hired during a strike primarily for the purpose of defeating the strike.

Strike Fund. Reserve accumulated by a union to provide members with some income while on strike and to pay expenses connected with strikes.

Strike Notice. Formal announcement by a group of workers to their employer or to an appropriate government agency that as of a certain date they will go on strike if the grievance is not settled.

Strike Vote. A vote conducted among employees in the bargaining unit on the question of whether they should go out on strike.

Suspension. A layoff from work as a disciplinary measure.

Sweetheart Deal. A special agreement benefitting an employee, and granted by an employer without the knowledge of the union and therefore in violation of the Collective Agreement.

Take-Home Pay. The net paycheque after allowance for tax withholding and other deductions.

Unfair Labour Practices. Those employer or union activities that are classed as “unfair” by labour relations acts by reason of intimidation, coercion, interference, or failure to bargain in good faith.

Union. The unit of labour organization which organizes and charters locals in the industries or trades as defined in its constitution, sets general policy for its locals, assists them in the conduct of their affairs, and is the medium for coordinating their activities. Finances are obtained from the locals through per capita dues. Unions usually hold regular conventions of delegates from the locals at which general policy is set and at which officers are elected.

Union Jurisdiction. Authority over certain types of work, certain workers, or specific areas which have been assigned to a union by the national or international union with which it is affiliated.

Union Label. Imprint on a product indicating the item is made under union conditions. It is called a “bug”.

Union Shop. Form of union security under which an employer may hire non-union workers who must, however, become members after they are employed as a condition of retaining their employee status.

Voluntary Recognition. An employer and a trade union may agree that the employer shall recognize the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit.

Wage Differentials. Different rates of pay for the same general type of work, the variations resulting from differences in working conditions, performance standards and types of workers.

Walkout. Loose term for a strike.

Work to Rule. A practice where workers obey all laws and rules pertaining to their work, thereby effecting a slowdown; a refusal to perform duties which, though related, are not explicitly included in the job description.

Workers’ Compensation. Compensation payable by employers collectively for injuries sustained by workers in the course of their employment. Each province has a Workers’ Compensation Act. The industries covered by the Act are divided into groups, the employers in each group being collectively liable for the payment of compensation to the workers in their group.

Appendix 2 CASL Guidelines

You will receive a list of members in your area.

Protect this personal information, and use this list only for union business.

Do not send union messages to workplace emails, because the employer will be able to read them. Ask members for non-work emails so we can communicate with them securely.

In order to comply with Canada's Anti-Spam (CASL) legislation, do not send email that

- offers anything for sale
- advertise contests or raffles
- encourage members to purchase or sign up for additional goods and services
- invite members to participate in an auction, tournament or other event to raise money for a registered charity
- encourage members to attend an education seminar for which they will be charged

Appendix 3: Case Studies

A. CASE 1: EMPLOYEE INVESTIGATED FOR GROSS MISCONDUCT

The Manager – Assistant Superintendent for Vancouver School Board (VSB)

You have recently assumed the position of assistant superintendent for the VSB. You are informed by the manager of human resources that your attendance is required at an investigation meeting that may result in the termination of the Acting Maintenance Coordinator, a member of the Professional Employees Union. You are told that the computer used by the employee contained 356 graphic pornographic images.

You do not have sophisticated skills as a manager. You are upset and angry.

Manager of Human Resources

As the Manager of Human Resources for VSB, you receive an anonymous telephone call from a person who refuses to identify himself. The individual tells you that there was pornographic material being displayed on the computer of the Acting Maintenance Coordinator. You decide to follow up on this tip.

The following day, you carefully go through the employee's email account using your administrative access code and identify extensive pornographic materials that are both graphic and offensive.

You judge that the employee's behaviour constitutes gross misconduct and determine that the employee needs to be investigated ASAP. You place a call to the Assistant Superintendent explaining the details. The Local Representative from the PEA is called and informed of the meeting.

You do some quick research in preparation for the meeting to discover that there are no formal policies respecting the use of computers. The employee being investigated was not given any specific training or orientation in the use of his computer. The school district does have a sexual harassment policy which in part provides that "the Board will not tolerate any conduct that could be classified as sexual harassment and will make every reasonable effort to ensure that no employee be subject to such harassment". In the policy, a number of examples of sexual harassment are listed, including "displaying of pornographic materials or pictures".

The Employee – Acting Maintenance Coordinator

You have recently been promoted to the position of Acting Maintenance Coordinator for the VSB. You have worked in various positions for the VSB for eight years. You have a clean disciplinary record.

As a result of this appointment, you spend more time in the office. Generally, you troubleshoot computer problems as required, either from the office by using your

computer, or by going to a given school or location. There are approximately 20 employees, including yourself, in the office.

The office is an open area and each of the employees has their own desk and computer monitor sitting on the desk where it can be seen by any passerby or visitor to the office. Each employee has their own email account and an individual password. The VSB's 10,000 or so computers have internet access filters and anti-virus programs built into the system; there are no content filters such as allowing for the monitoring of such materials as pornography.

You have downloaded pornographic images onto your computer. Additionally, you have emailed these images to your colleagues and your home email address. You are somewhat remorseful but feel that you are being singled out. You believe that the employer's treatment of you is both arbitrary and harsh.

You receive an urgent phone call from the Assistant Superintendent stating that your attendance is required at a meeting. You quickly delete the files from your computer.

The Local Representative

You receive a phone from the Manager of Human Resources. He states the following:

Your presence is required immediately in my office. The Acting Maintenance Coordinator is being investigated for gross misconduct that may result in termination. The misconduct involves the employee having pornographic images on his computer. The employee has been suspended without pay pending the results of the investigation.

After receiving this phone call, you arrange to meet with the employee. You have approximately five minutes to counsel the employee. Your advice, given that the employee has confessed that he downloaded pornography, is to show remorse and apologize. The employee is unconvinced of this strategy claiming that he isn't the only school district employee with pornographic images on his computer. Further, the employee claims that higher level managers have been sent and not complained of receiving pornographic images.

B. CASE 2: EMPLOYEE INVESTIGATED FOR FAILING TO ADEQUATELY PERFORM DUTIES

The Manager

You are manager of a branch of the Ministry of Forests, Land and Natural Resources Operations. As a result of downsizing and restructuring, you are now responsible for managing an increased number of employees some of whom you've never worked with before. There is one employee that you notice isn't performing their duties to the level of your satisfaction. (Other employees have complained to you as well.) Your offers of additional training and mentorship have been met with a lukewarm response. Despite your efforts, you have serious concerns about the future success of this employee with your branch.

You are relatively inexperienced as a manager. You are a compassionate person, respected by your employees. You call your human resources consultant for advice. You are not certain if the employee should be disciplined?

There is pressure from the Deputy Minister to "cut the fat" in government and terminate employees who are not meeting expectations.

An investigation meeting is set up with the union, human resources and the employee. You are a bit nervous about your role.

Human Resources Director

You receive a phone call from a manager. Details of the file are explained to you.

You look up the employee's personnel file to discover that they have been employed by the government for 20 years. You Google the name to discover that the employee has been recognized for outstanding achievements and performance on more than one occasion. You suspect that there may be something going on outside of work. You have extensive experience in human resources.

You explain to the manager the difference between culpable and non-culpable behaviour. You encourage the manager to provide a supportive environment at the meeting. You also explain that if the behaviour is non-culpable, that discipline is not an appropriate path to take.

The Employee

Two months ago you were transferred to a new position with the Ministry of Forests, Land and Natural Resources Operations. There are additional responsibilities added to your job. You have been employed by the provincial

government for 20 years and have a clean disciplinary record. You are a modest and private person.

In your personal life, you are experiencing challenges. Your long-time spouse has moved out of your family home leaving you with three children to care for. You have seen your family doctor who has prescribed medication to help you sleep at night. You have not been diagnosed with a mental disability at this time.

You are distracted at work because of what is happening in your personal life. You also are feeling stressed because you know that you haven't been meeting the expectations of the job despite support from your manager. You have not revealed any parts of your personal life to your colleagues. Losing your job would have devastating consequences. You are considering revealing your circumstances but are unsure if this is a good idea. You call the local representative of your union for advice.

Your presence has been requested at a meeting with your manager and a representative of human resources to discuss your performance. You are extremely anxious about the meeting which isn't helping your performance at work.

The Local Representative

You receive a phone from an employee who has been informed that they are required to attend a meeting to discuss their inadequate performance. You have an opportunity to meet with the employee before the meeting and discover that there are circumstances that may be influencing the employee's performance.

You encourage the employee to seek additional support (e.g., the employee family assistance programme). The employee is receptive to your advice and agrees to follow up prior to the meeting.

In your discussions with the employee, it is agreed that the employee will reveal the details of their personal life to the employer. The employee requests numerous times that you be present at the meeting repeating: "I can't do this alone... I can't lose this job."

C. CASE 3: EMPLOYEE INVESTIGATED FOR OFF DUTY CONDUCT

The Manager

You are the principal at Thetis Lake Private School. A colleague from another school has an "off the record" conversation with you where you are told that one of your teachers recently attended the "Learn Hard, Play Fast" education conference. Here, the teacher went out for dinner with a group of 20 teachers and principals from around the province, your colleague included. During dinner, after consuming approximately three alcohol beverages, the teacher starting "slagging" Thetis Lake school. Your colleague informs you that the following comments were made: "Thetis Lake School is a joke - I would never send my kids there." "I'm looking for another job. Thetis Lake School is pathetic."

The colleague will not go on the record as a witness to the above noted comments.

Human Resources Consultant

The principal at Thetis Lake School calls you for advice regarding the behaviour of a teacher at the "Learn Hard, Play Fast" conference.

You advise the principal to call the teacher in for an investigation meeting that may result in discipline. You explain that a local representative from the union should be in attendance if possible. You coach the principal on how to get the teacher to admit to the alleged statements.

You explain that employees can be disciplined for off-duty conduct, especially when the conduct harms the employer's reputation. You advise the principal to terminate the teacher's employment, regardless of the outcome of the meeting. You agree to create a letter of termination to bring to the meeting.

The employee is on probation which allows for the employer to more easily sever the employment relationship. The collective agreement contains the following language: "Probationary employees may be terminated for lack of fit." It also contains, under the discipline section, a clause which states: "No employee will be subject to discipline without just cause."

The Employee

You recently graduated from university and got a job at Thetis Lake Private School. Last week, you attended an education conference, which you enjoyed very much. You don't like your current job and attending the conference allowed for you to network with others and hand out your résumé.

One evening at the conference, you feel you made progress in your job hunt. You had a few alcoholic drinks and informed everyone at the table that you were looking for teaching work at another school. As the evening progressed you consumed more alcohol. You miss the morning session of the "Learn Hard, Play Fast" conference. However, you are not worried about missing the session, because there are no other employees from Thetis Lake School in attendance and, you believe, you know everything anyway.

You are on probation.

The Local Representative

You have been the local representative for your union for 30 years.

You secretly don't like the teacher that you are representing believing that they are arrogant and self-entitled. Last month, you overheard the teacher saying that the union's seniority system was outdated and that some of the older teachers should consider retirement.

You interview the teacher before the investigation meeting. The teacher suspects that the employer found out that they missed the morning session at the conference. The teacher acknowledges that in retrospect, they should have informed the school district of their illness.

You prepare the teacher for the meeting by developing a strategy with respect to the unexplained absence.

D. CASE 4: EMPLOYEE INVESTIGATED FOR GROSS INSUBORDINATION

The Employee

You are a forester for the Ministry of Forests, Lands and Natural Resource Operations. You have been employed by the government for 15 years and have a clean disciplinary record. You chose a career with this branch of the government because you feel passionate about the environmentally sound, responsible and fair use of natural forests lands in BC. In your spare time, you volunteer for the Sierra Club. You live outside the small town where you work.

You discover through the course of your duties that your manager has approved a logging project that would see a substantial amount of forests cut adjacent to the river that flows directly behind your home. You do not believe that due process has been followed. Specifically, you feel that there has been a lack of public consultation. You are upset and decide to discuss the matter with your manager where a heated debate ensues. You recall alleging that your manager was writing their own rules. You also remember that in response to your manager claiming that they were following the rules as they saw fit, you shouted the following comment before leaving the office: "You are a blind fucking idiot."

You return to work the next day to be informed that your presence is required at a meeting at 2:00pm. You are encouraged to contact and bring your local union representative to the meeting.

The Local Representative

You receive a phone call and a request to meet with a member that you represent. You are apprised of the details of the case. The member is convinced that their interpretation of the rules regarding due process and forestry practices is correct. The member does acknowledge that the comments made at yesterday's meeting were inappropriate.

You develop a strategy for the investigation meeting that includes the member apologizing for the temporary flare-up. You are a bit worried that the member's passionate commitment to the environment and his beautiful and natural backyard may bubble up at the meeting. You expect that you may have to call a few "time outs."

The Manager

You are the manager at a district office for the Ministry of Forests, Lands and Natural Resource Operations. You have extensive experience in your field. Part of your duties includes approving logging plans for a specified geographical area of the province. One day, an employee under your supervision enters your office to discuss some concerns regarding the approval of a cut block.

You are shocked by the employee's behaviour and the comments made towards you. You have never experienced this kind of behaviour in your career working with professional employees. You believe that the employee's behaviour may be grounds for discipline, possibly including termination.

Human Resources Advisor

You receive a phone call from a manager that is considering terminating an employee for comments made at a meeting yesterday. You encourage the manager to hold an investigation meeting later that afternoon so that you can drive up to the area and support the manager throughout this process. You advise the manager that they may have grounds for discipline but that the results of the investigation meeting will be important in determining the course of action. If the employee is remorseful and acknowledges their role subordinate to the manager, there may be options other than termination or discipline.

The manager acknowledges to you that the employee in question has been a solid employee with a clean disciplinary record and a strong work ethic. You notice that through your coaching phone call with the manager that their original position of wanting to terminate that employee has softened somewhat.

Appendix 4: PEA Collective Bargaining Policy

4. COLLECTIVE BARGAINING

4.1 Formulation and Approval of Bargaining Packages and Tentative Agreements

This policy applies to the formulation and approval of all Association bargaining packages and tentative collective agreements.

A. Gathering and Reporting of Proposals

1. Between collective bargaining rounds the Executive Director will ensure that a record is kept of all member proposals to amend an existing collective agreement. The Association will advise members how to submit bargaining proposals between collective bargaining rounds.
2. Prior to every round of bargaining for a first or renewal collective agreement, the Executive Director will ensure that members of a bargaining unit are:
 - a) canvassed to determine their attitudes regarding the adequacy of key areas of the existing agreement, where one exists, and their priorities for a new agreement, and
 - b) invited to make specific proposals for changing the existing agreement, or establishing a first agreement.
3. The Executive Director will ensure that a report of the findings and proposals resulting from the operation of paragraphs 1 and 2 is given to the Contract Bargaining Committee contemplated in section B.

B. Contract Bargaining Committee

Prior to every bargaining round a Contract Bargaining Committee representative of the bargaining unit shall be struck by chapter executive motion to

1. recommend a package of bargaining proposals for negotiation with the employer, and
2. bargain collectively with the employer.

The Executive Director will appoint himself and/or a Labour Relations Officer(s) to the Contract Bargaining Committee. The Executive Director and/or Labour Relations Officer(s) will be the committee's chief spokesperson and will participate on the Contract Bargaining Committee with voice.

For bargaining units where the PEA is a member of a Union Bargaining Association that is responsible for negotiating a provincial collective agreement, the Executive Director will appoint himself and/or a Labour Relations Officer(s) to represent the PEA at the Bargaining Association. The chapter executive and the Executive Director and/or Labour Relations Officer will recommend bargaining proposals to the Union Bargaining Association.

C. Criteria for Accepting Proposal

The Contract Bargaining Committee shall construct a recommended package of bargaining proposals on the basis of the following criteria, and any other criteria specifically identified by the chapter executive.

1. Proposals for amending the collective agreement of an Association bargaining unit may be made by any member of that bargaining unit, its chapter executive or committees, the Association Executive, or a PEA staff member.
2. Proposals must be reasonable and defensible.
3. Proposals should address real and substantial problems experienced by one or more members of the bargaining unit.
4. Proposals should reflect membership priorities, particularly as reflected in the canvass contemplated in paragraph A.2.

5. Proposals shall not be at variance with this policy, other executive policies or the Constitution and By-laws of the Association.

D. Membership Review

After a recommended package of bargaining proposals has been drafted, the membership of the bargaining unit will be given an opportunity to review and comment on the package.

E. Approval of Tentative Agreement

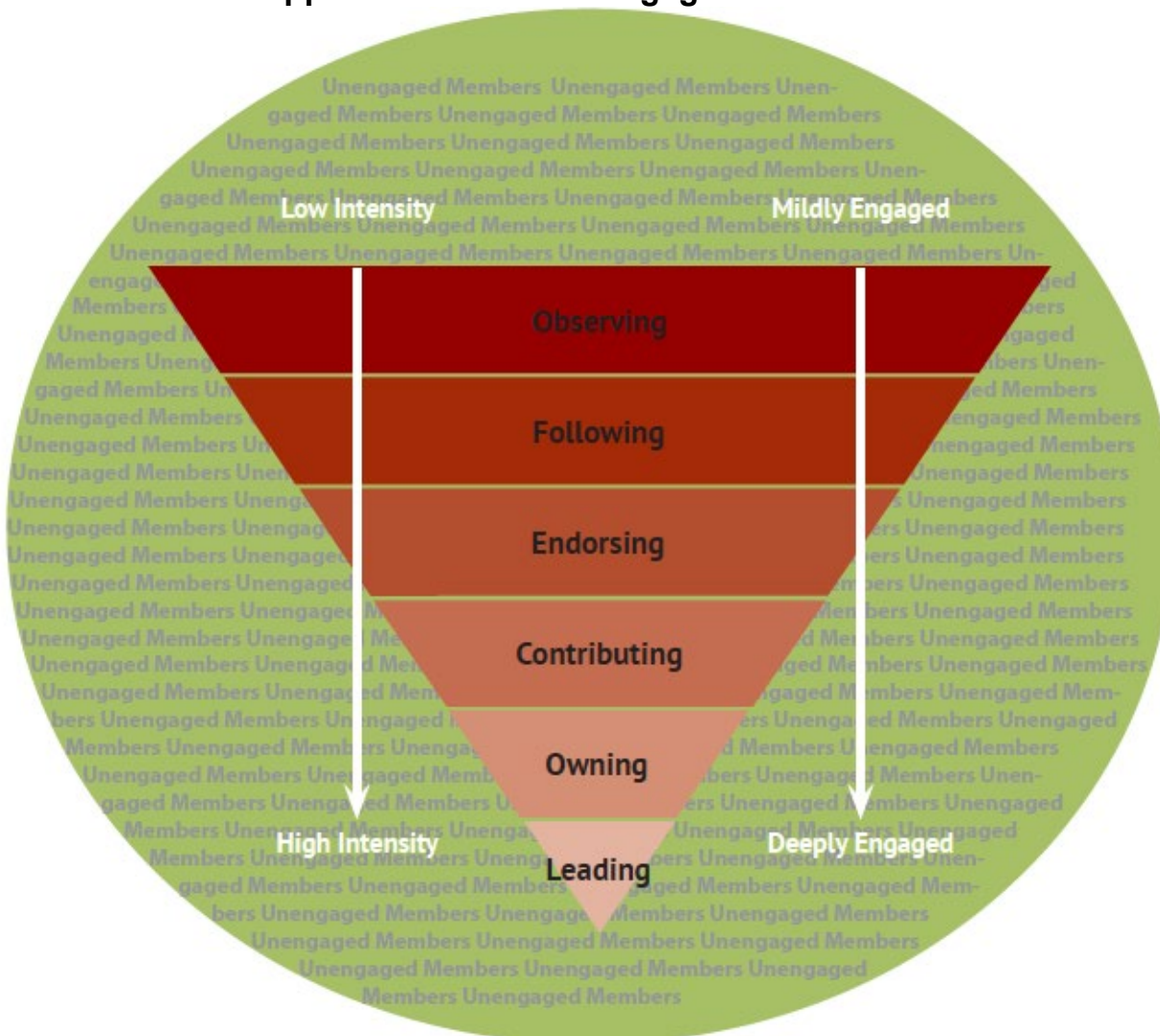
Once a tentative collective agreement has been reached with an employer, the tentative agreement shall be put to the chapter membership for ratification.

F. Information to Association Executive

1. In the event that a Contract Bargaining Committee includes in a recommended package of bargaining proposals any matter that is inconsistent with any criterion set out in 4.1 C.5, the Executive Director will provide a report of the details to the Association Executive.
2. Whenever a tentative collective agreement referred to in section E is presented to the membership of a bargaining unit, copies of the same documents shall be provided to the Association Executive.

POLICY AMENDED MARCH 3, 2020

Appendix 5: Member Engagement Funnel



As a union, the PEA exists to represent and serve the needs of its members, advocating for them individually and as a collective. Its broader mission and vision, as a progressive organization, also compels it to go beyond this level, including action on broader issues such as the protection of our natural resources and public services in areas such as education, health and libraries.

On the flip side, the PEA relies heavily on its members, and their support and participation, to do the work the organization wants/needs to do. Its bargaining strength, day-to-day influence at the worksite, and level of impact in so many areas of organizational mandate are directly impacted by how successful the organization is at building members' sense of connection to 'their' union, and their willingness to support the organization and its work – in words, opinions and actions.

Building strong member engagement is crucial to the PEA – to the organization's strength and effectiveness as a union, and to its ability to achieving its articulated mission and vision.

So how do you do this?

Engagement – an exchange of value between members and PEA

The purpose of engaging members is to foster a stronger sense of belonging to, connection with, and ownership in, the organization and what it does. Engaged members want to see the union succeed and ultimately, as engagement deepens, are motivated to contribute in small and large ways to this effort.

Strong engagement balances two important goals – it successfully draws members in (participation), but does so in ways *that also serve to build and strengthen the organization*. This is referred to as a **value exchange**. The member must see a benefit from their experience of being involved in the union, and the union should also benefit as an organization from these interactions (organizational strength/capacity, delivery on mission, etc.).

The best way to achieve this value exchange is to “create engagement where it matters” by discovering and meeting the **members’ needs** through cultivating involvement opportunities that provide strategic value for the PEA at the same time.

Understanding and Analyzing Engagement – as a progressive process

Members have diverse needs, experiences and levels of willingness to be involved. The attached funnel model provides a framework to help us think strategically about the range and diversity of people we are engaging, how we might best interact with them, and what actions we hope they might take.

The vertical dimension of the funnel represents the intensity of the engagement, with low-level engagement at the top and high intensity, deep engagement at the bottom. Its horizontal dimension represents the number of people involved. Laid out like this the funnel shape captures well our reality of higher numbers of mildly engaged people at the top, progressing downwards to a smaller number of deeply engaged people at the bottom.

The Engagement Funnel is a useful tool for reflecting upon and analyzing what the specific interests, needs and best engagement strategies might be for individuals at each particular stage of engagement. It also invites us to consider what kinds of strategies would assist in moving an individual or group to the next level of engagement. For example, if a group of members are engaged in a positive but still passive way with the organization (at the Endorsing level), how might we create easy opportunities for them to contribute to something in meaningful but simple ways (e.g. helping to host an event at the worksite related to something they care about personally) - in order to help foster a sense of relationship and ownership (which help to create movement toward the Contributing level).

Considering all six levels in this model offers an important and thought-provoking reminder that individuals at the initial three levels of engagement (who we do not see ‘acting’ yet) are indeed engaged already – though their actions may be small (e.g. reading the Professional regularly). How successfully we recognize and meet these members where they are at will determine our chances of encouraging them to deeper levels.

This model provides a useful frame for analyzing both our in-person and digital aspects of member engagement. It provides a tool to assist us in matching opportunities and strategies to

groups of members who will be most successfully engaged by them (e.g. walkabouts vs. worksite events vs. full day education or meetings). Reflecting on the unique characteristics of these six levels can also help us to consider the best design for events at which we know members from a range of different engagement levels will be present (e.g. buddying up new attendees with experienced members who are keen to build a welcoming experience for them).

On a personal leadership note, this tool prompts us to be curious and analytical about where each and every member we engage with is situated on the funnel – what is happening for them, what they are thinking/needing, and how we can utilize that moment/interaction to strengthen their level of relationship and connection to the union.

The six rungs or levels of the Engagement Funnel are outlined in detail in the pages that follow.

ENGAGEMENT LEVEL 1: “OBSERVING”

Our primary engagement goals at this level	To inspire initial and repeat contact with the organization
The people we are trying to engage at this level	General membership
The possible mindset of people we are trying to engage	“I care enough to be aware of your organization’s existence, but you haven’t given me the reason or opportunity to get to know you further.” Increasing awareness is the major factor. Members become aware of the organization and interested in what it is trying to do.
The nature of the types or forms of engagement	Sporadic, indirect communication or contact. Member takes occasional, distracted glances at the organization’s work; these indirect communications may be via word of mouth, social media or traditional media.
Types of communication	Member may visit the website but does not provide contact information, so any direct communication is at their initiative. Communication efforts toward them are focused on information sharing and awareness building.
Possible actions members might take	Members might decide to visit the website, attend a very easily accessible event, or read the Professional. They may make time to take in information about/from the union coming to them through co-workers -- either face-to-face, via a forwarded email, or through social media.
Ways (metrics) of measuring this form of engagement	Website traffic, polling, media impressions, survey responses

ENGAGEMENT LEVEL 2: “FOLLOWING”

Our primary engagement goals at this level	For members to feel that the PEA offers them something(s) of value to them. To secure permission to deliver direct, proactive communications to them.
The people we are trying to engage at this level	General membership – receptive members open to exploring who we are, and whether there is potential connection on a values level. Quiet but interested attendees at occasional worksite events, etc. Members who partially read or even just scan the union bulletin board at work, and may even know who their local reps.
The possible mindset of people we are trying to engage	“I care enough about the organization’s work to give you my email but there’s no guarantee I will look at what you send me.” Attention is the major factor. Members have a sense for, and are interested in, the mission of the organization and they care somewhat about the organization.
The nature of the types or forms of engagement	Regular, direct communications - one-way from organization to member. Receptive to conversation with representatives of the PEA. Would consider attending an easily accessible event.
Types of communication	Member receives somewhat regular stream of communication - face to face and via email, The Professional, etc. Communications efforts are focused on sharing highly relevant (to members) information and piquing interest. These updates serve to keep the organization’s work front of mind and to build enthusiasm.
Possible actions members might take	Member provides us their contact information - - enabling us to communicate with them. Member chooses to absorb direct communications from the union, reading information sent and engaging positively with PEA representatives when approached. Member may check out PEA or Chapter Forums. Member may sign up on a list circulated at an event, or encourage co-workers to sign an on-line petition.
Ways of measuring (metrics) this level of engagement	Increase in number of email addresses via member Login, Facebook fans, etc. Increase in attendance at worksite events or at special

	events hosted by union. Increased level of positive reception experienced by local reps/leaders on site.
--	--

ENGAGEMENT LEVEL 3: “ENDORISING”

Our primary engagement goals at this level	To earn enough trust with members that they will actively endorse the work of the organization. To have members understand, believe in, and feel invited to actively identify with, the mission of the organization. To have them express the value of PEA and the organization’s work to others (co-workers, friends/family, etc.)
The people we are trying to engage at this level	Members who come to union events and chapter meetings. Members who attend events, pay attention to PEA elections, bargaining meetings etc. Informed and active “critics” of the organization.
The possible mindset of people we are trying to engage	“I endorse the work you do, but it is <i>your</i> work and I am not prepared to invest a significant amount of my time or effort in it.” Trust and time are the major factors. Members believe in the mission of organization, and values/identifies positively with the organization, enough to openly talk about their engagement and encourage others to be receptive and supportive. Actively endorses the organization and its services and programs (e.g. pointing out the efforts and good work of PEA to colleagues or managers).
The nature of the types or forms of engagement	Straight forward, regular forms of connecting. Ideally a good number of these involve meaningful in-person exchanges, (appealing to the interests and connection points of the member), to start to foster a relationship.
Types of communication	Beginning of two-way communication. Regular mass communications, to keep them feeling informed and further pique their interest. These are punctuated by concise, persuasive communications presenting a simple call to action, or opportunity to get involved/contribute in some way.
Possible actions members might take	Simple, quick acts with little risk or investment of resources. Commitment-level required is limited enough that the decision to act can be made spontaneously rather than requiring much deliberation or preparation by the member. Members might sign petitions, forward and reply to emails received, write letters to officials or media,

	participate in phone polls, assist spontaneously with set-up or small tasks related to an event, etc.
Ways of measuring (metrics) this level of engagement	Number of petition signers, supporters who contact officials, attendees at events, number of voters during elections and at bargaining meetings, rate of return on surveys, increase in letter writing to the papers.

ENGAGEMENT LEVEL 4: “CONTRIBUTING”

Our primary engagement goals at this level	To deepen member’s commitment to the mission and work of the organization, and start to engage them in more involved forms of action.
The people we are trying to engage at this level	Less active local reps. Members who are willing to file grievances, speak vocally about issues, and/or support PEA campaigns and job action.
The possible mindset of the people we are trying to engage	“I’m committed to the work and will pitch in to help but don’t expect me to take responsibility.” Time is a major factor. Members start to contribute their time willingly to the organization.
The nature of the types or forms of engagement	More involved efforts and multi-step processes. Creating involvement opportunities in areas that the organization is focused on as priorities (members are now in a recognized shared-values relationship with the organization and its mission). Create engagement opportunities that aim to foster ownership - and thereby move people to the next level of deepened engagement.
Types of communication	Continued regular, direct mass communications to inform them and pique their interest. This is accompanied by periodic personalized communication, through email, phone calls and/or face-to-face meetings, to share information and encourage/facilitate their involvement with projects or events.
Possible actions members might take	Members are open to contributing, but only after due consideration (that it is worth the investment of their time). Larger patterns of behaviour indicate a considerable investment in the organization (attendance, willingness to offer to help, etc.). Contributions of time and effort are described as being linked to shared

	values and beliefs. The best volunteer jobs for these members are concrete assignments, matched with their strengths and interests, with clearly defined deliverables and good support.
Ways of measuring (metrics) this level of engagement	Number of members willing to take on active union roles for the first time (local reps, chapter executives, worksite campaign organizers). Increase in number of local reps. Number of non-local reps involved in doing the work of the union (i.e. ability to generate member involvement).

ENGAGEMENT LEVEL 5: “OWNING”

Our primary engagement goals at this level	To encourage and develop a sense of <i>responsibility</i> for the mission of the organization. To facilitate them taking initiative and demonstrating their leadership around work of real significance to the organization. Recognizing their efforts, successes and growth in order to build and sustain their commitment, and to encourage some to seek deeper engagement, at the leadership level.
The people we are trying to engage at this level	Chapter and Association Executive members; active Local Reps, committee chairs, etc.
The possible mindset of the people we are trying to engage	“You can count on me to figure out what needs doing and to be responsible for getting the job done in the way that makes the most sense.” Mission-relevant knowledge and skills are the major factors. These members care deeply about the union and Collective Agreement rights. They are fully invested in the mission and success of the organization.
The nature of the types or forms of engagement	Ongoing, collaborative actions and team efforts. Meaningful roles and projects that allow for expression of abilities and leadership.
Types of Communication	Regular direct mass communications to keep them informed and aware of all that members are receiving. Additional communication aimed at keeping those actively leading in work informed (e.g. special notice to local reps of action the union is taking on an issue). Regular email, phone calls and face-to-face meetings with others they are working collaboratively with on teams/projects. Flow of

	communication is two-way, and reflective of high degrees of relationship.
Possible actions members might take	Members' investment of time and effort increases, (Some risk of burnout). Contributions become a creative outlet and expression of passion. Members begin using term "we" instead of "you" when talking about the organization. They demonstrate deep involvement, and have a strong desire for others to show support.
Ways of measuring (metrics) this level of engagement	Length of time and amount of time committed. Willingness to volunteer some time. Metrics generally become less quantitative, more subjective.

ENGAGEMENT LEVEL 6: "LEADING"

Our primary engagement goals at this level	To develop leadership skills and opportunities. To attract and retain good leaders.
The people we are trying to engage at this level	Most active/talented/committed Local Reps, Chapter and Association Executive members.
The possible mindset of the people we are trying to engage	"I'm willing to lead us in carrying out this mission." Leadership skills are the major factor. Members at this level lead others in carrying out the work of the organization. They are willing to make and implement hard decisions and put the interests of the organization first.
The nature of the types or forms of engagement	Ongoing acts of leadership such as vision setting, planning and decision-making, mentoring, managing projects, leading teams and committees.
Types of communication	Kept highly informed - aware of important communication being shared into the membership ahead of its release. Additional communication aimed at keeping those actively leading in work informed (e.g. updates to a Chapter Executive member responsible to oversee an area of work). Regular email, phone calls and face-to-face meetings with others they are working collaboratively with on teams/projects. Flow of communication is frequent, two-way, and reflective of high degrees of relationship.
Possible actions members might take	The engaged become the engagers. Deeply committed to the mission members now focus

	<p>their energy on engaging and leading others in the work. The focus of energy broadens from tasks, projects and campaigns to more of an overall mission focus. Members take on real governance and management responsibility for their Chapter and/or the Association. They invest time and energy in the growth and development of the organization and their own capacity to lead/contribute within it.</p>
<p>Ways of measuring (metrics) this level of engagement</p>	<p>Number of strong candidates seeking election to leadership roles. Growth and level of leadership ability in individuals filling leadership roles. Metrics generally become less quantitative and more subjective. People in this level are the most important to the ongoing success of your organization.</p>