



OPS Local Demand-Setting 2021

Q & A

Q1. Is the highest ranking OPS member in a local, or an OPS Executive Board Member automatic delegates or do both need to be elected by their respective locals?

A1. No. Elected leaders do not have automatic delegate status. Delegates and alternates must be elected by their respective locals?

Q2. If a region does not have an Executive Board Member from the OPS, who then chairs the Regional Bargaining Conference?

A2. The highest ranking regional Executive Board Member will chair the meeting.

Q3. Both OPS Unified and Corrections bargaining procedures state that to be elected to an OPS bargaining team, a member must have been an OPSEU steward or a member of a Ministry Employee Relations Committee/Local Employee Relations Committee/Regional Employee Relations Committee/Health & Safety Committee for at least six months prior to their election. What is the meaning of "at least six months prior to election"? Does this mean a member must hold a position at the time of election or any six month period before election?

A3. This issue was raised in 2008 and the interpretation is that to be elected to the team, someone should have been a steward or a member of a Ministry Employee Relations Committee/Local Employee Relations Committee/Regional Employee Relations Committee/Health & Safety Committee for six months within a reasonable period of time prior to their election. Reasonable has been interpreted to mean one month.

Q4. Do you have to be a steward to run as a delegate to the Regional Bargaining Conference?

A4. No. To be a delegate to the Regional Bargaining Conference, you do not have to be a steward. To run for election to the Unified or Corrections bargaining teams, you have to have been a steward or a member of a Ministry Employee Relations Committee/Local Employee Relations Committee/Regional Employee Relations Committee/Health & Safety Committee for at least six months prior to election. (See Q3).

Q5. Can an Alternate to the OPS Regional Bargaining Conference run for the team?

A5. Yes, anyone can run for a position on the bargaining team whether they are a delegate, alternate, or absent and have submitted a letter indicating their willingness to run. To run for the team, a member has to have been a steward or a member of a Ministry Employee Relations Committee/Local Employee Relations Committee/Regional Employee Relations Committee/Health & Safety Committee for at least six months prior to election.

Q6. A member has taken a temporary assignment in another work location in the OPS, which puts them in a new local. In which local will they participate in Local Demand-Setting and run for delegate? The local in their home work location or the local in their temporary work location?

A6. The local in their home position. Members cannot seek or hold office in other work locations.

Q7. A member from the Unified IHC category has taken a temporary assignment in Corrections. The temporary assignment is in the OPSEU bargaining unit. In which category will they participate in Local Demand-Setting and run for delegate? The category for their home position or the category for their temporary position?

A7. The category for their home position. In this example, the member holding a temporary position in Corrections would participate in Local Demand-Setting and run for delegate in the Unified IHC category.

Q8. Can a member in the OPS who has taken a temporary assignment outside the OPSEU bargaining unit (ex. AMAPCEO) have the ability to participate in OPS Demand-Setting? If someone is seconded to a position outside the OPSEU bargaining unit, but their home position is OPSEU bargaining unit, are they allowed to participate in demand-setting?

A8. According to the Constitution, members in a position outside of the OPSEU bargaining unit are not entitled to be delegates, alternates or team members during their period of assignment. The member does retain rights as a member in good standing and can vote on the contract, participate in setting demands but cannot hold any office, delegate or committee/team member positions.

Q9. Can a member nominate themselves to stand for election?

A9. Yes, a member can nominate themselves. In addition if a member is unable to attend their Local Demand-Setting meeting and wishes to stand for election, the member must provide a **signed letter** confirming their willingness to stand for election. This letter constitutes a nomination.

Q10. Can a fixed term member be elected as a delegate from their local as a category representative and also a fixed term representative to the Regional Bargaining Conference, in effect holding two positions at once?

A10. No, a fixed term member may only hold one position.

Q11. Can a flexible part time run for election as a fixed term delegate?

A11. No, flexible part time and fixed term are different. Flexible part time members are covered under Appendix 32 of the OPS collective agreement and all are Court Workers who fall in the Office Administrative category.

Q12. Can seasonal employees who are between contracts attend the Regional and/or Central Bargaining Conferences?

A12. Article 6.4 of the OPSEU/SEFPO Constitution states: "...a member subject to regular seasonal and/or short-term lay-offs may remain in good standing for up to one year while laid off without

payment of dues, but a member subject to permanent or indefinite lay-off shall not be eligible for continuing membership for any period of lay-off”.

In other words, a seasonal member between contracts is still a member in good standing, even though they are not paying union dues. And since they are in good standing (assuming that they have signed a union card), they can attend the local meeting and run for delegate status. As well, they can also run for the bargaining team, again assuming that they have been a steward or a member of a Ministry Employee Relations Committee/Local Employee Relations Committee/Regional Employee Relations Committee/Health & Safety Committee for at least six months prior to election.

Q13. Are retiree's entitled to attend the Regional or Central Bargaining Conferences?

A13. No, Section 17.2 of the OPSEU/SEFPO Policy Manual states that “OPS Retired Members Executive in their own Region (other than delegate status) will attend Regional Demand-Setting meetings of the Union where benefits are being discussed”. The policy dates from 1989 when the OPS did in fact have Regional and Provincial Demand-Setting.

However, the current procedures do not allow demand setting or discussion of demands at either the Regional or Provincial Bargaining Conferences. The agenda is a short educational (normally on the themes of mobilizing, the political/economic environment etc.) followed by elections. Therefore, retirees have no entitlement to attend Regional Bargaining Conferences.

Q14. Who votes for the Regional Bargaining Team Representative to the Central Bargaining Team?

A14. All delegates to the Regional Bargaining Conference, including FXT delegates, elect their Regional Bargaining Team Member who automatically sits on the Central Bargaining Team.

Q15. If a Fixed Term (FXT) employee is elected as a delegate and then as a member of the bargaining team but during anytime in that process becomes a “regular” employee, must they then resign/step down from that position or can they carry on until bargaining is completed?

A15. If a member is elected to represent the bargaining team, as long as they remain a member, they continue to completion. Technically, their status wouldn't change until bargaining ended and they have returned to the workplace. However, this would have to be evaluated on a case by case basis as different facts could alter this opinion.