

The background of the entire page is a photograph of a modern building with a complex, angular, and geometric facade. The building is rendered in a teal color, matching the overall theme of the cover. The architecture features sharp, protruding and recessed sections that create a dynamic, three-dimensional effect.

## THE MANITOBA TEACHERS' SOCIETY **Provincial Bargaining Protocol**

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## PROVINCIAL BARGAINING PROTOCOL

*The Provincial Bargaining Protocol shall govern any legislated provincial bargaining process. At the 2018 Provincial Council, the Collective Bargaining Standing Committee was tasked by BA1 with defining the operational details of the Provincial Bargaining Model passed at the 2011 Provincial Council. The Provincial Bargaining Protocol is the outcome of that task. The effective date of this Protocol will be the coming into force date of any Legislation that may be passed implementing provincial bargaining, or such earlier date as determined by the Society in order to meet the timelines in Appendix A to this Protocol. This Protocol is intended to apply to single tiered provincial bargaining, or any provincial parts of a two tiered provincial bargaining model.*

### **Representation of Diverse Membership**

*Members participating in this protocol should be representative of the diversity of membership.*

*In the context of this document, when selecting members to participate in the provincial bargaining protocol either locally or provincially, consideration should be given, but not limited, to the following criteria: Gender, ability, race, language, members from equity deserving groups, teaching assignments, and geographical representation.*

## I. DEFINITIONS

**A. Capitalized terms in this document that are defined in the Constitution and Bylaws of the Society shall have that meaning.**

**B. The following terms when capitalized in this document shall have the meanings set out below, and grammatical variations of such terms shall have corresponding meanings:**

1. "Candidate Information" shall mean the photograph, biography and election statement, both of which shall not exceed two hundred fifty (250) words in total, submitted by Members seeking election to the Provincial Bargaining Committee;
2. "Federal Local" shall mean a Local whose members are employed by a First Nation or First Nation Education Authority and are governed by federal laws;
3. "Local Bargaining Representative" shall mean the Local Delegate selected to be the "Local Bargaining Representative" in accordance with this document;
4. "Local Delegates" shall mean Members of the Local elected or appointed by the Local to be delegates of the Local to the Provincial Seminars and/or Regional Meetings;
5. "Local Members" shall mean Members of a Local as defined in the Constitution and Bylaws of the Local;
6. "Provincial Bargaining Committee" shall mean the committee as established in section V.B.3. of this document;
7. "Provincial Seminar One" shall mean the meeting described in section VI of this document;
8. "Provincial Seminar Two" shall mean the meeting described in section VII of this document;
9. "Provincial Seminars" shall mean Provincial Seminar One and/or Provincial Seminar Two as context requires;

10. "Regional Coordinator" shall mean the member of the Collective Bargaining Standing Committee appointed to be a Regional Coordinator as set out in this document;
11. "Regional Meetings" shall mean the meetings described in section IV.B of this document;
12. "Replacement Delegate" shall mean a new Local Delegate elected or appointed by a Local to replace a previously elected or appointed Local Delegate who is unable to continue to act as a Local Delegate at a Provincial Seminar or Regional Meeting;
13. "Survey" shall mean the Provincial Collective Bargaining Survey of MTS Members;
14. "Table Team" shall mean the team assigned responsibility to engage in collective bargaining as described in section VIII of this document;
15. "Lead Negotiator" shall mean the person assigned by the Executive Director to serve as the primary spokesperson of the Table Team.
16. "Impasse" shall mean a point in negotiations, at least 90 days after notice was given to commence collective bargaining, at which, in the opinion of the Table Team, further negotiations would not be in the best interests of Members.

## **II. TIMELINES**

### **A. A detailed time line may be found in Appendix A**

### **B. Adjustment of timelines**

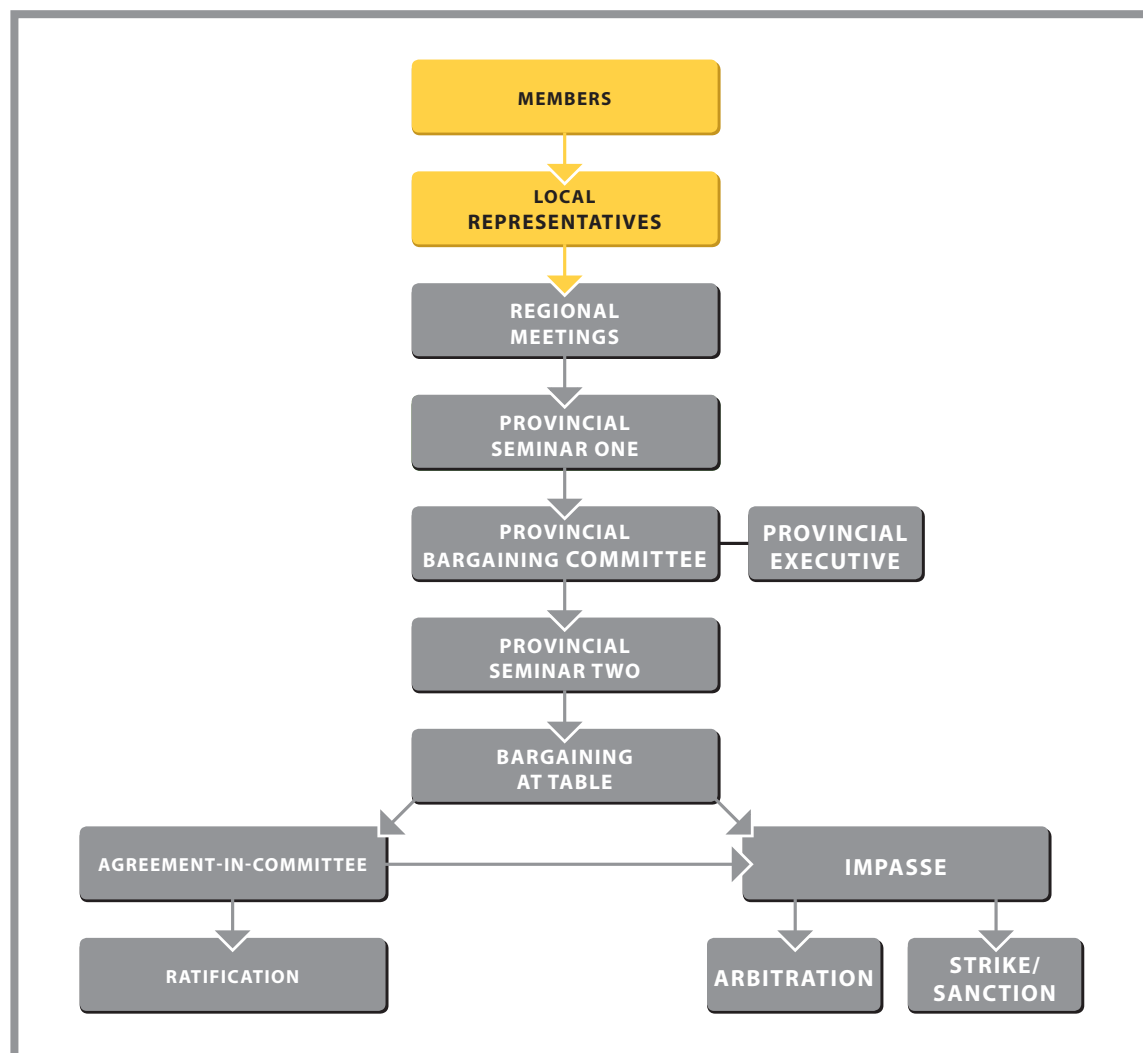
1. All timelines and deadlines in this document may be adjusted by the Provincial Executive when circumstances so demand.
2. The length (number of days) of Regional Meetings and Provincial Seminars may be increased by the Provincial Executive when
  - a. circumstances so demand; and
  - b. reasonable notice of the change has been provided.

## **III. LOCALS**

### **A. Contributions from Locals**

1. Locals shall gather bargaining information from Local Members including but not limited to
  - a. local concerns;
  - b. local priorities; and
  - c. dispute resolution preferences, if necessary.

2. Local timelines
  - a. Local information gathering is done before the Regional Meeting and when circumstances demand.
  - b. The Regional Meeting shall take place prior to Provincial Seminar One.
3. Local information gathering methodology
  - a. The Society shall prepare and distribute the Survey.
  - b. Locals may conduct their own survey to coincide with the Survey.
  - c. All Local Members shall be given a reasonable opportunity to complete the Survey.
  - d. The Society may collect aggregate data on the Survey results to inform bargaining.
  - e. The Survey shall be anonymous and aggregate data shall not be traced back to individual Members.
  - f. The Society shall collate data from the Survey.
  - g. Locals may hold additional meetings, town halls, etc. to gather further information from Local Members.
  - h. Locals shall collate data collected from other data sources.



## B. Local Delegates: Regional Meetings and Provincial Seminars

### 1. Naming of Local

- a. Each Local shall elect or appoint from its membership, Local Delegates to the Regional Meeting and Provincial Seminars.
- b. Each Local shall create and follow procedures in the Policies of the Local to select Local Delegates to the Regional Meetings and Provincial Seminars.
- c. In the event that a Local Delegate to a Regional Meeting and/or the Provincial Seminars is unable to continue to serve in that role, the affected Local shall appoint or elect a Replacement Delegate according to the Local Constitution, Bylaws and/or Policies.
- d. The name of any Replacement Delegate, along with the Local Delegate they are replacing, shall be submitted to the Society by the Local president or designate shortly after the Replacement Delegate is named.
- e. Local and Replacement Delegate appointments and elections are subject to Society Bylaw I, Part III, Article 3.7(3).

### 2. Regional Meeting Delegates

- a. The Executive Director shall apply the following rules to determine the number of Delegates entitled to attend the Regional Meetings at Society expense:
  - (i) membership dues from the previous membership year shall be used in the formula;*
  - (ii) each Local shall be entitled to elect or appoint from its membership one Local Delegate for each one hundred (100) Local full-time equivalent Members;*
  - (iii) if the number of full-time equivalent Members in a Local when divided by one hundred (100) leaves a remainder of fifty-one (51) or more, the Local shall be entitled to elect or appoint one (1) additional Local Delegate;*
  - (iv) no Local shall be entitled to less than two (2) Local Delegates at Society expense.*
- b. Delegates at Local Expense
  - (i) each Local shall be entitled to elect or appoint from its membership exactly one (1) additional Local Delegate to attend the Regional Meetings at Local expense.*
- c. Federal Locals
  - (i) Subject to Bylaw I, Part III, Article 3.7(3), each Federal Local shall be entitled to elect or appoint from its membership two (2) observers to attend Regional Meetings at Society expense and one (1) additional observer to the Regional Meeting at Local expense for a maximum of three observers.*
  - (ii) Observers do not hold voting status.*
- d. AEFM
  - (i) Subject to Bylaw I, Part III, Article 3.7(3), AEFM shall be entitled to elect or appoint from its membership two (2) observers to attend Regional Meetings at Society expense and one (1) additional observer to the Regional Meeting at Local expense for a maximum of three observers.*
  - (ii) Observers do not hold voting status.*

### 3. Submitting names of Local Delegates

- a. The names of Local Delegates to the Regional Meeting shall be submitted to the Society by the Local president or designate at least 30 days before the Regional Meeting.

### 4. Provincial Seminar Delegates

- a. The Executive Director shall apply the following rules to determine the number of Local Delegates entitled to attend the Provincial Seminars at Society expense:

*(i) membership dues from the previous membership year shall be used in the formula;*

*(ii) each Local shall be entitled to a minimum of one (1) Delegate;*

*(iii) each Local shall be entitled to elect or appoint from its membership one Local Delegate for each two hundred (200) Local full-time equivalent Members. Where the Local membership is less than three hundred-one (301), that Local shall be entitled to elect or appoint one additional Member as an observer;*

*(iv) if the number of full-time equivalent Members in a Local when divided by two hundred (200) leaves a remainder of one hundred-one (101) or more, the Local shall be entitled to elect or appoint one (1) additional Local Delegate;*

*(v) Council of School Leaders (COSL) shall be entitled to one (1) Delegate and one (1) observer.*

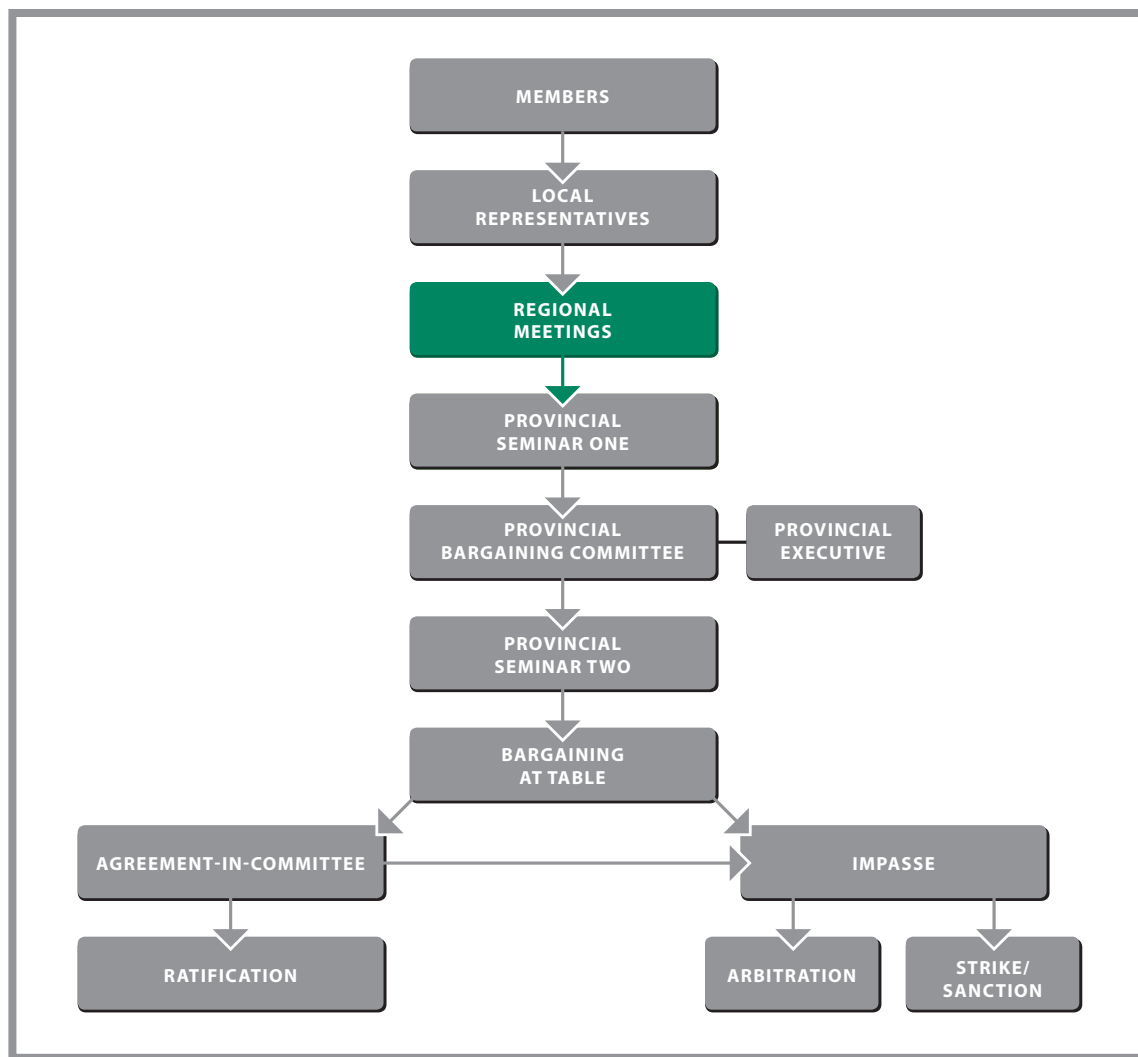
*(vi) Delegates and observers' expenses shall be paid by the Society.*

- b. Subject to Bylaw I, Part III, Article 3.7(3), each Federal Local and AEFM shall be entitled to elect or appoint from its membership one (1) observer to attend the Provincial Seminars at Society expense. Observers do not hold voting status.
- c. As far as is practicable, Local Delegates to Provincial Seminars shall also be Local Delegates to the Regional Meetings.
- d. The names of Local Delegates to Seminar One shall be submitted to the Society by the Local president or designate at least thirty (30) days prior to Seminar One.

## C. Local Bargaining Representative

1. Each Local shall select one Local Delegate to be the Local Bargaining Representative.
2. The responsibilities of the Local Bargaining Representative are to:
  - a. attend the Regional Meeting, Provincial Seminar One, and Provincial Seminar Two;
  - b. coordinate the local distribution and collection of the Survey;
  - c. coordinate any other data gathering activities initiated by the Local;
  - d. communicate with Local Members by distributing information received from the Provincial Bargaining Committee and the Table Team; and
  - e. coordinate the Local voting process with respect to ratification and/or sanctions.

3. In the case where the Local Bargaining Representative ceases to be a Local Delegate,
  - a. the Local shall elect or appoint a replacement Local Bargaining Representative in accordance with the Policies of the Local;
  - b. Locals are encouraged to select a replacement Local Bargaining Representative who has been involved in the Regional Meetings and Provincial Seminars;
  - c. the name of the replacement Local Bargaining Representative, along with the Local Bargaining Representative they are replacing, shall be submitted to the Society by the Local president or designate shortly after the replacement is named.



## IV. THE REGIONS

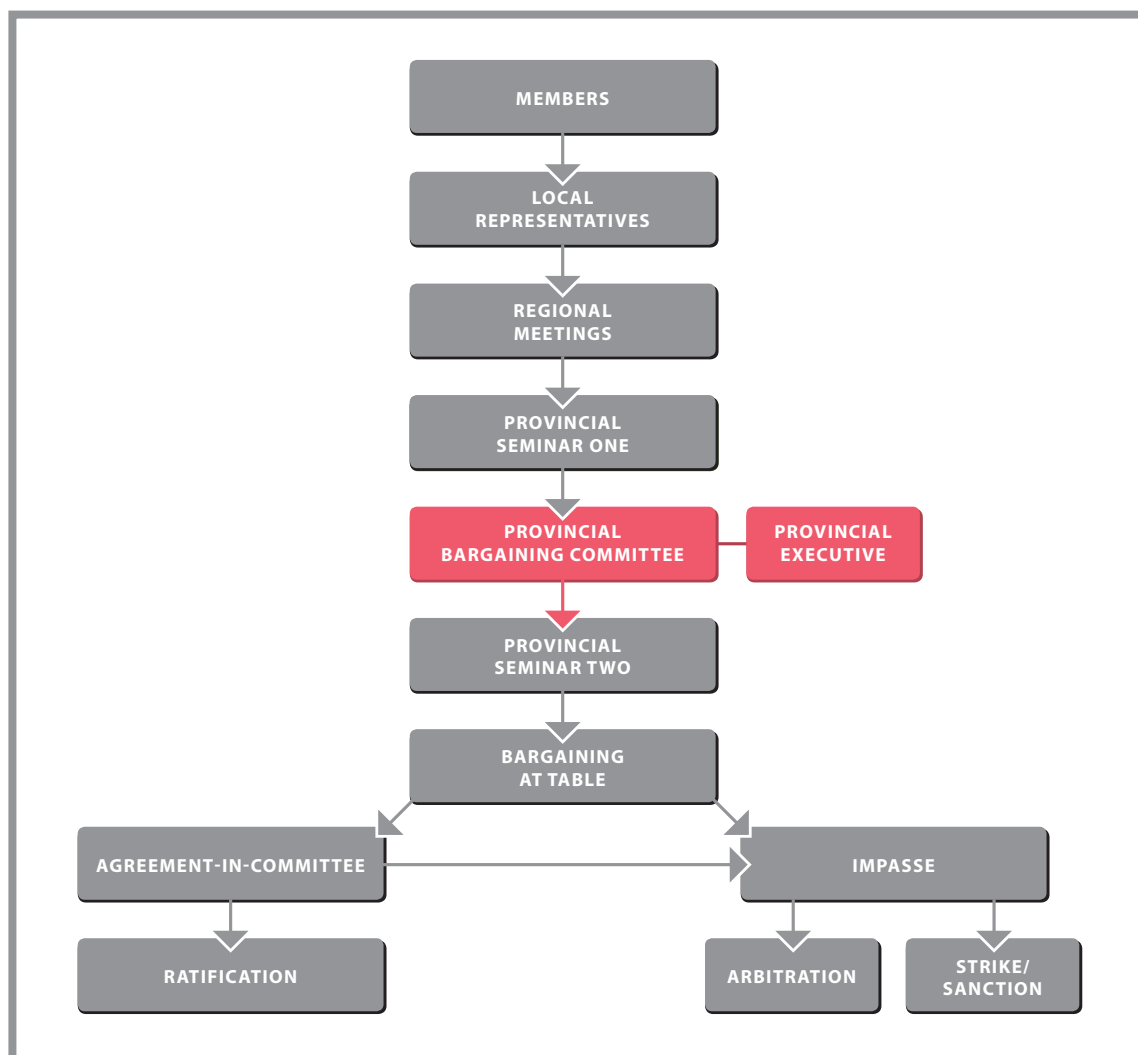
### A. Regional Coordinators

1. The Provincial Executive, upon recommendation of the Chair of the Collective Bargaining Standing Committee, shall appoint a Regional Coordinator for each region of the Society.

2. Regional Coordinators shall be members of the Collective Bargaining Standing Committee.
3. Regional Coordinators shall
  - a. act as a liaison between the Society and the Locals regarding the bargaining process;
  - b. communicate and assist Locals in adhering to the bargaining preparation timelines set out in Appendix A to this document; and
  - c. arrange for a mutually convenient time and place for the Regional Meeting.
4. Regional Coordinators as Local Delegates
  - a. A Local may name a Regional Coordinator as a Local Delegate to the Regional Meeting and Provincial Seminars One and Two.
  - b. Any Regional Coordinator who has not been named a Local Delegate may attend the Regional Meeting, Provincial Seminar One, and Provincial Seminar Two as an observer.
  - c. Any Regional Coordinator attending as an observer shall not be counted as a Local Delegate of the Local at the Regional Meetings or Seminars One and Two.

## **B. Regional Meetings**

1. Regional Meetings shall occur at least thirty (30) days prior to Seminar One.
2. Provincial Executive Members, as appointed by the Provincial Executive, shall chair Regional Meetings.
3. In attendance at the Regional Meeting shall be
  - a. A Provincial Executive Member (chair);
  - b. the Regional Coordinator for the region (as observer or Local Delegate);
  - c. Local Delegates from within the region;
  - d. Federal Local and AEFM observers (as applicable); and
  - e. Society staff.
4. Regional Meetings shall be one day in length and shall have on the agenda
  - a. a review of data gathered by Locals and the Society;
  - b. Local and regional concerns;
  - c. Local and regional priorities; and
  - d. dispute resolution and potential sanctions.



## V. THE SOCIETY

### A. The Collective Bargaining Standing Committee

1. The purpose of the Collective Bargaining Standing Committee in a provincial bargaining process is to
  - a. act as an advisory body to the regions, the Provincial Bargaining Committee, and the Table Team; and
  - b. to make recommendations for amendments to this document or processes contained herein.
2. Duties:
  - a. The Collective Bargaining Standing Committee shall, with the assistance of Society staff, perform and coordinate activities surrounding bargaining including, but not limited to
    - (i) organizing Regional Meetings;
    - (ii) reviewing the Survey; and
    - (iii) communicating with Locals and regions on issues such as bargaining preparation timelines in Appendix A, meeting protocols, election procedures, and deadlines.

- b. The Collective Bargaining Standing Committee will regularly examine the bargaining process and suggest improvements
  - (i) to Society staff for editorial adjustments;*
  - (ii) to Provincial Executive for time sensitive changes; and*
  - (iii) to Provincial Council for all other changes.*
- c. Provide advice, when requested, to Locals, regions, the Provincial Bargaining Committee, and the Table Team.

### 3. The Survey

- a. The Society shall create the Survey.
- b. All Members shall be given a reasonable opportunity to complete the Survey.
- c. The Survey shall include
  - (i) Local regional and provincial issues; and*
  - (ii) Dispute resolution and sanctions, if necessary;*
- d. For clarity, the Survey shall be separate and distinct from the MTS provincial workload survey.

### 4. A member of the Collective Bargaining Standing Committee shall not also be

- a. a member of the Provincial Bargaining Committee; or
- b. a member of the Table Team
- c. Notwithstanding the above, the Chair of the Collective Bargaining Standing Committee shall be a member of the Provincial Bargaining Committee.

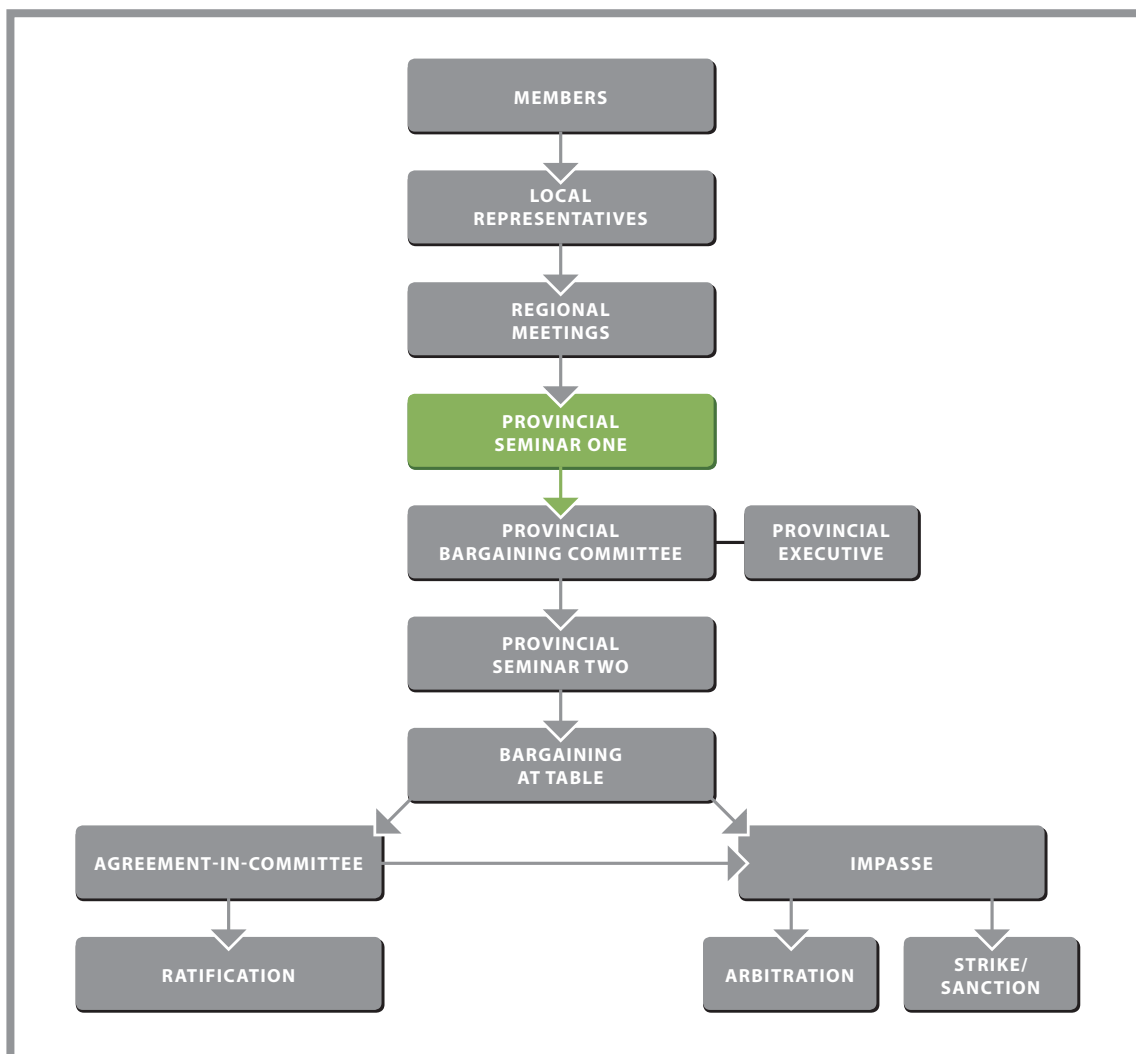
### 5. The Society will fund release time as appropriate to allow members of the Collective Bargaining Standing Committee to perform their duties.

## B. The Provincial Bargaining Committee

- 1. The Provincial Bargaining Committee shall be comprised of
  - a. the Chair, who is a member of, and appointed by, the Provincial Executive;
  - b. the President of the Society (or designate);
  - c. the Chair of the Collective Bargaining Standing Committee;
  - d. two (2) additional members of the Provincial Executive appointed by the Provincial Executive; and
  - e. five (5) additional Members elected at Provincial Seminar One;

- f. For clarity:
    - (i) Neither the President of the Society nor the Collective Bargaining Standing Committee Chair shall be the chair of the Provincial Bargaining Committee.*
    - (ii) No other member of the Provincial Executive shall be a member of the Provincial Bargaining Committee except as those described above.*
  - g. The Chair of the Provincial Bargaining Committee shall not cast a vote except where a tiebreaker is required.
- 2. The Provincial Bargaining Committee shall
    - a. review information gathered at Provincial Seminar One;
    - b. prepare an opening package with rationale for each article for presentation at Provincial Seminar Two;
    - c. discuss and/or recommend a dispute resolution mechanism and/or sanction should impasse occur;
    - d. reserve the right to add and amend to the bargaining proposal topics for inclusion in the opening package as needed prior to the first collective bargaining meeting (e.g. in the event of Legislation changes); and
    - e. provide advice, if requested by the Table Team, during negotiations.
  - 3. The Provincial Bargaining Committee and Seminar Two
    - a. The Provincial Bargaining Committee shall prepare a list of bargaining proposal topics to be distributed to the Local Delegates in advance of Seminar Two.
    - b. The list of bargaining proposal topics shall indicate which articles are included in the opening package but shall not include the detailed language of the articles nor the accompanying rationale.
    - c. The list of bargaining proposal topics shall be distributed to Seminar Two Local Delegates approximately fourteen (14) days before Seminar Two.
  - 4. The Provincial Executive Members of the Provincial Bargaining Committee
    - a. At least 60 days prior to Seminar One, the Provincial Executive shall appoint a Provincial Executive Member to chair the Provincial Bargaining Committee.
    - b. At least 60 days prior to Seminar One, the Provincial Executive shall appoint the Collective Bargaining Standing Committee chair and two (2) additional Provincial Executive Members to the Provincial Bargaining Committee.
    - c. In the case where a Provincial Executive Member has been selected as a Local Delegate to Provincial Seminar One by their Local and then is subsequently appointed to the Provincial Bargaining Committee by Provincial Executive, the affected Local will be asked to name a Replacement Delegate.

5. Collective Bargaining Standing Committee and Provincial Bargaining Committee
  - a. The Collective Bargaining Standing Committee chair shall act as liaison between the Collective Bargaining Standing Committee and the Provincial Bargaining Committee.
6. Terms of Service
  - a. Provincial Executive appointees to the Provincial Bargaining Committee shall serve on the Provincial Bargaining Committee from the time that they are appointed to the Provincial Bargaining Committee until a new collective agreement is signed or their term of office on Provincial Executive ends, whichever is sooner.
  - b. Members elected to the Provincial Bargaining Committee at Seminar One shall serve on the Provincial Bargaining Committee from the time that they are elected until a new collective agreement is signed, they are elected to Provincial Executive, or they voluntarily vacate their position, whichever is sooner.
7. Where a vacancy occurs on the Provincial Bargaining Committee, the following shall apply:
  - a. Where a vacancy occurs in one of the Provincial Executive seats of the Provincial Bargaining Committee, the Provincial Executive shall appoint a replacement. That person shall be a member of the Provincial Executive.
  - b. Where a vacancy occurs in one of the five seats reserved for Non-Provincial Executive members, that appointment of the member shall be a candidate from the most recent Seminar One election who received the next highest number of votes of those elected. If there is no such candidate, the Provincial Executive, in consultation with the Collective Bargaining Standing Committee, shall appoint a replacement. That person shall not be a member of the Provincial Executive.
  - c. In all cases, the term of the replacement shall be the same as the person being replaced.



## VI. PROVINCIAL SEMINAR ONE

### A. The purpose of Provincial Seminar One is to

1. collate, refine, and discuss information from the regions and Locals;
2. discuss Local, regional, and provincial priorities;
3. discuss dispute resolution and job action, if necessary; and
4. elect five (5) members to become members of the Provincial Bargaining Committee.

### B. Organization and Timelines

1. Provincial Seminar One shall be organized by Society staff in consultation with the Provincial Executive Members named to the Provincial Bargaining Committee, and the Collective Bargaining Standing Committee.
2. Provincial Seminar One shall be held in a secure location.
3. Provincial Seminar One shall be a minimum of two (2) consecutive days in length.

### **C. Attendees to Provincial Seminar One shall be**

1. an independent Chair selected by the President;
2. Local Delegates, which may include Provincial Executive and Collective Bargaining Standing Committee members if selected by their Local to attend as a Local Delegate;
3. Observers
  - a. Observers from Locals, Federal Locals and AEFM; and
  - b. All Members of the Provincial Executive and Collective Bargaining Standing Committee who are not Local Delegates.
4. MTS Staff in an advisory role including
  - a. The Executive Director; and
  - b. Other staff as required; and
5. Provincial Executive appointees to the Provincial Bargaining Committee.

### **D. Candidates for Election to the Provincial Bargaining Committee**

1. Five (5) of the Local Delegates to Provincial Seminar One shall be elected to the Provincial Bargaining Committee.
2. At least forty (40) days prior to Provincial Seminar One, the Executive Director shall issue a call for nominations to the Provincial Bargaining Committee.
3. The call for nominations shall be made to all Members to whom this collective agreement would apply.
4. At least ten (10) days prior to Provincial Seminar One, candidates for election to the Provincial Bargaining Committee shall submit to the Executive Director
  - a. a nomination form with signatures of fifteen (15) Active Members in Good Standing; and
  - b. Candidate Information.
5. Close of Nominations
  - a. Nominations shall close ten (10) days prior to Provincial Seminar One.
  - b. Upon verifying a bona fide candidate using subsection (c), the Chief Returning Officer shall notify the candidate, Provincial Seminar One Delegates, Local presidents, and the Provincial Executive that the nomination is bona fide.
  - c. Bona fide candidates shall:
    - (i) be Active Members in Good Standing.
    - (ii) have completed and submitted the required signatures and Candidate Information before the deadline.

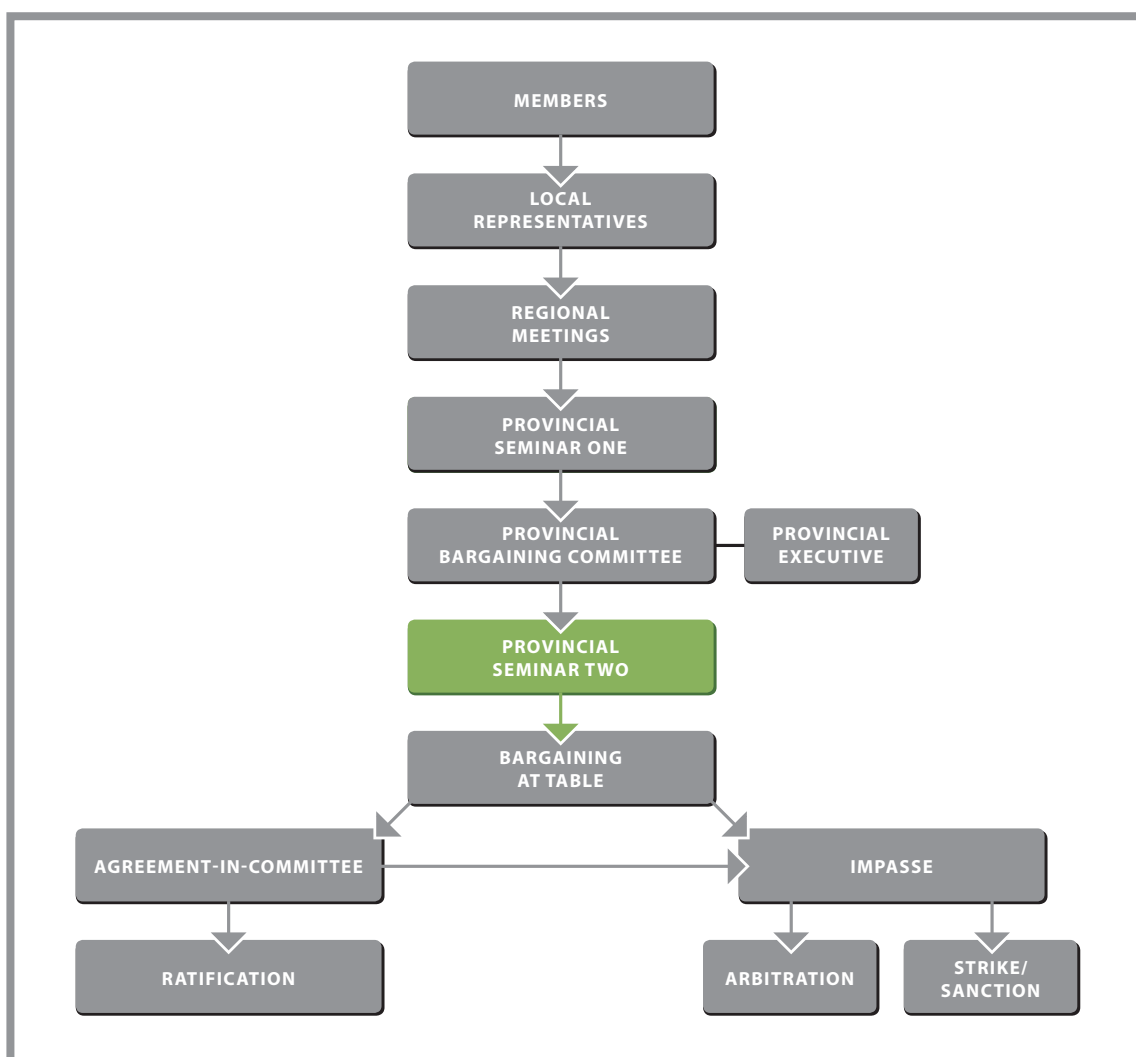
6. Completed Candidate Information shall be provided to all Local Delegates to Provincial Seminar One five (5) days before Provincial Seminar One.
7. Running from the Floor
  - a. Local Delegates to Provincial Seminar One may nominate a candidate for election to the Provincial Bargaining Committee on the first day of Provincial Seminar One.
  - b. By 12:00pm (noon) of the first day of Provincial Seminar One, candidates for election to the Provincial Bargaining Committee shall submit to the Executive Director
    - (i) a nomination form with signatures of fifteen (15) Local Delegates to Provincial Seminar One; and
    - (ii) Candidate Information.
  - c. Candidate information of those running from the floor shall be provided to all Local Delegates to Provincial Seminar One by 2:00 p.m. of the first day of Provincial Seminar One.
8. Members of the Provincial Executive may not run for election to the Provincial Bargaining Committee.
9. No campaign materials, posters, or other campaign paraphernalia shall be permitted at Provincial Seminar One.

#### **E. Election Forum**

1. An election forum shall be held on the first day of Provincial Seminar One during which the candidates will be given an opportunity to address the Local Delegates.
2. The election forum will be conducted as follows:
  - a. Each candidate will be given two (2) minutes to speak to the assembly;
  - b. Following the speeches, questions will be directed to the candidates; names will be drawn to determine the order of responding. The Chief Returning Officer shall solicit questions prior to the election forum; and
  - c. Each candidate will be given one (1) minute to respond to the question, and the question period continues until all candidates have answered two questions.

#### **F. Voting Procedures**

1. Voting shall take place as a timed item at the start of the second day of Provincial Seminar One.
  - a. A simple ballot shall be used.
  - b. Each Local Delegate shall be allowed to vote for up to five (5) candidates.
  - c. The five (5) candidates with the most votes shall be declared elected.
  - d. Where the margin between the elected candidate and the defeated candidate is not more than five percent (5%) of the total ballots cast, the Chief Returning Officer shall conduct a recount.



## VII. PROVINCIAL SEMINAR TWO

### A. The purpose of Provincial Seminar Two is to

1. Approve the opening package; and
2. Discuss and/or approve dispute resolution and sanctions.

### B. The following shall attend Provincial Seminar Two

1. An independent chair appointed by the President
2. Local Delegates
  - a. As far as is practicable, Local Delegates shall be the same persons as attended Provincial Seminar One (see III.B.1.c and III.B.1.d for when this is not possible).
  - b. Where a Local Delegate has been elected or appointed to the Provincial Bargaining Committee the provisions of III.B.1.c and III.B.1.d shall apply.

3. Members of the Provincial Bargaining Committee
  - a. Members of the Provincial Bargaining Committee shall attend Provincial Seminar Two to present, explain, and clarify the opening package.
  - b. All members of the Provincial Bargaining Committee shall be voting Delegates at Provincial Seminar Two.
4. Observers
  - a. Observers from Locals, Federal Locals, and AEFM; and
  - b. All members of the Collective Bargaining Standing Committee and Provincial Executive who are not Local Delegates.
5. MTS Staff in an advisory role including
  - a. The Executive Director; and
  - b. Other staff as required.

#### **C. Organization and Timelines**

1. Provincial Seminar Two shall be organized by Society staff in consultation with the Provincial Bargaining Committee, and the Collective Bargaining Standing Committee.
2. Provincial Seminar Two shall be held in a secure location.
3. Provincial Seminar Two shall be a minimum of two (2) consecutive days in length.
4. Provincial Seminar Two shall occur prior to the expiration of the collective agreement.

#### **D. The Agenda of Provincial Seminar Two shall include:**

1. Registration
  - a. The Society will ensure that only Local Delegates, permitted observers, and Society staff are in attendance at Provincial Seminar Two.
  - b. The proceedings of Provincial Seminar Two are confidential and are not to be disclosed by attendees at Provincial Seminar Two.
  - c. Numbered copies of the draft opening proposal will be given to Local Delegates upon registration. These are to be returned at the conclusion of Provincial Seminar Two.
2. Walkthrough
  - a. After preliminaries, the first order of business of Seminar Two will be a walkthrough of the draft opening proposal and accompanying rationale.
  - b. Clarifying questions may be asked during the walkthrough; however, Local Delegates may not enter into debate regarding the merits of particular articles.
3. Regional Meetings
  - a. After the draft opening proposal walkthrough, Local Delegates from each region will conduct a regional meeting.
  - b. Provincial Bargaining Committee members shall chair each regional meeting.

- c. At least one member of the Collective Bargaining Standing Committee shall attend each regional meeting.
- d. The purpose of the regional meetings is
  - (i) to examine the draft opening proposal;*
  - (ii) to gather additional clarification and rationale from the Provincial Bargaining Committee member in attendance; and*
  - (iii) to recommend any amendments.*
- e. Any recommended amendments agreed to by a majority of the Local Delegates in the regional meeting shall be forwarded to the Provincial Bargaining Committee.

#### 4. Amendments and the Provincial Bargaining Committee

- a. The Provincial Bargaining Committee shall meet to consider all recommended amendments generated by the regional meetings.
- b. Any recommended amendments which, in the opinion of the Provincial Bargaining Committee, improve the wording in the opening proposal, shall be incorporated into the opening proposal by the Provincial Bargaining Committee.
- c. Any recommended amendments that, in the opinion of the Provincial Bargaining Committee, jeopardize or degrade the opening proposal or are contrary to legal counsel shall be rejected by the Provincial Bargaining Committee.
- d. Any recommended amendments which, in the opinion of the Provincial Bargaining Committee, require further consideration by the Local Delegates, shall be placed before the Local Delegates as an article for debate at Provincial Seminar Two.
- e. The decision, by the Provincial Bargaining Committee, to accept, reject, or put recommended amendments for debate is final.

#### 5. Walkthrough of Revised Proposal:

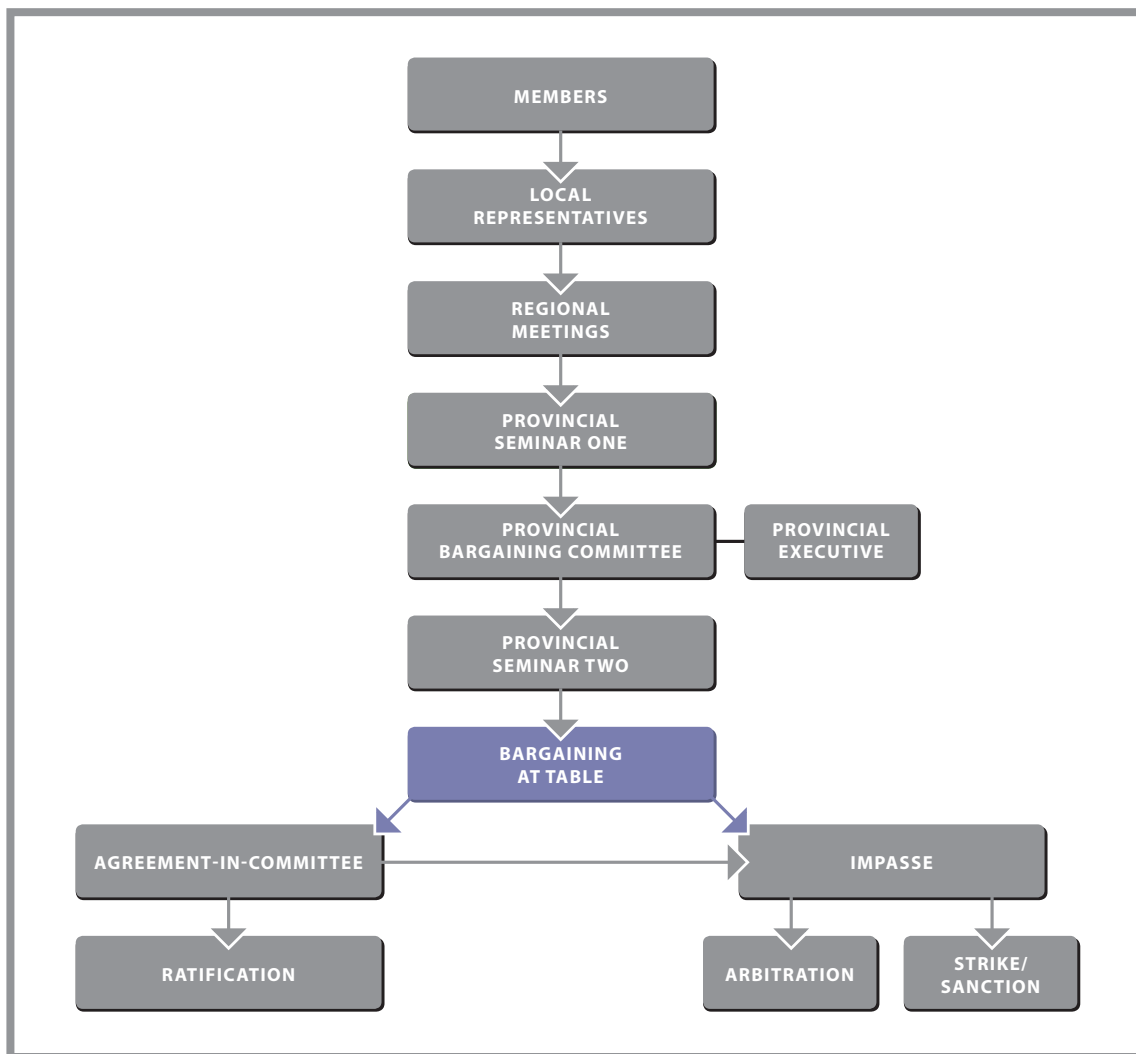
- a. After the Provincial Bargaining Committee has considered all recommended amendments, the Provincial Bargaining Committee will conduct a walkthrough of the recommended amendments to the opening proposal in the following order.
  - (i) Accepted amendments, with rationale for acceptance.*
  - (ii) Rejected amendments, with rationale for rejection.*
  - (iii) Articles for debate, provided in writing.*

#### 6. Articles for Debate.

- a. Each article for debate shall be proposed to the Local Delegates, by motion.
- b. Local Delegates may enter into debate regarding the merits of the Article.
- c. Any motions to amend the Article for debate which alter its substance shall be ruled out of order.
- d. Articles for debate shall be approved by simple majority.

#### 7. Opening Proposal Approval

- a. Once all articles for debate have been considered, a motion to approve the opening proposal shall be put.
- b. The opening proposal shall be approved by simple majority.



## VIII. THE TABLE TEAM

### A. The Table Team is empowered to

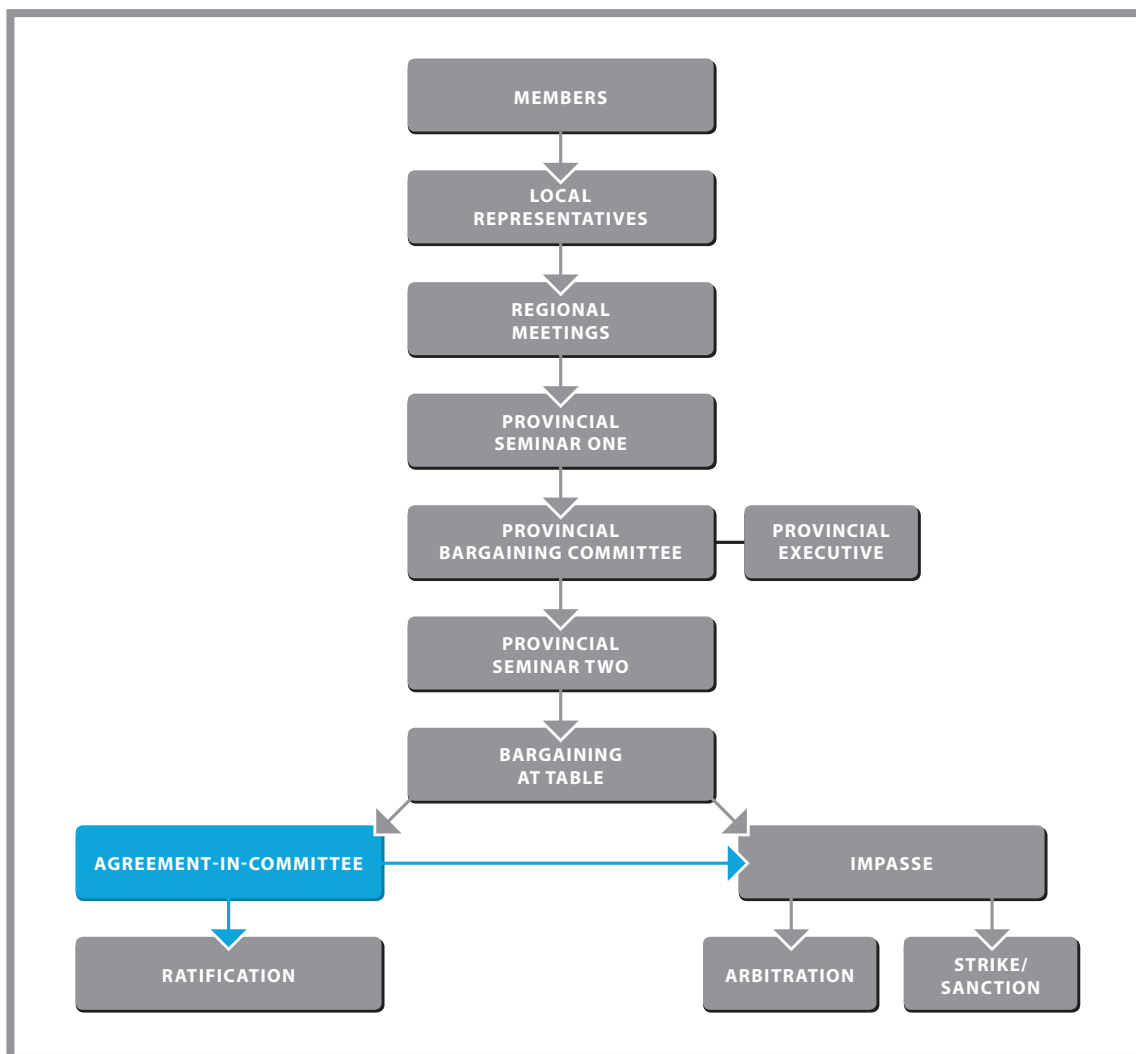
1. Reach an agreement in committee;
2. Initiate the Ratification Protocol;
3. Declare impasse;
4. Identify which sanctions to undertake, if any; and
5. Initiate the Sanctions Protocol.

### B. Composition: the Table Team shall be comprised of

1. The President of the Society or the Vice President of the Society, as designated by the President.
2. The Executive Director of the Society OR the Director of Labour Relations, as designated by the Executive Director.
3. The Lead Negotiator: the Executive Director shall name one member of the Teacher Welfare Staff OR the Director of Labour Relations to be the Lead Negotiator
4. The Chair of the Provincial Bargaining Committee
5. Two (2) members of the Provincial Bargaining Committee, who are not members of the Provincial Executive, selected by the Provincial Bargaining Committee
6. The Society's economic analyst
7. Other Society staff as required

#### **C. The Duties of the Table Team shall be to**

1. negotiate in good faith;
2. make decisions by consensus. The Lead Negotiator will facilitate the work of the table team. If agreement cannot be reached, the elected members of the table team shall vote. In the case of a tie, the chair of the Provincial Bargaining Committee shall break the tie;
3. report progress to the Provincial Executive via the Provincial Bargaining Committee chair;
4. consult with the Provincial Bargaining Committee and/or Collective Bargaining Standing Committee as required (For clarity, it is the Table Team that will initiate consultation with the Provincial Bargaining Committee and/or Collective Bargaining Standing Committee).
5. distribute information to Local Bargaining Representatives when updates are available; and
6. in the event of impasse, initiate appropriate action including, but not limited to
  - a. mediation;
  - b. conciliation;
  - c. interest arbitration; and/or
  - d. sanctions, through the Sanctions Protocol.



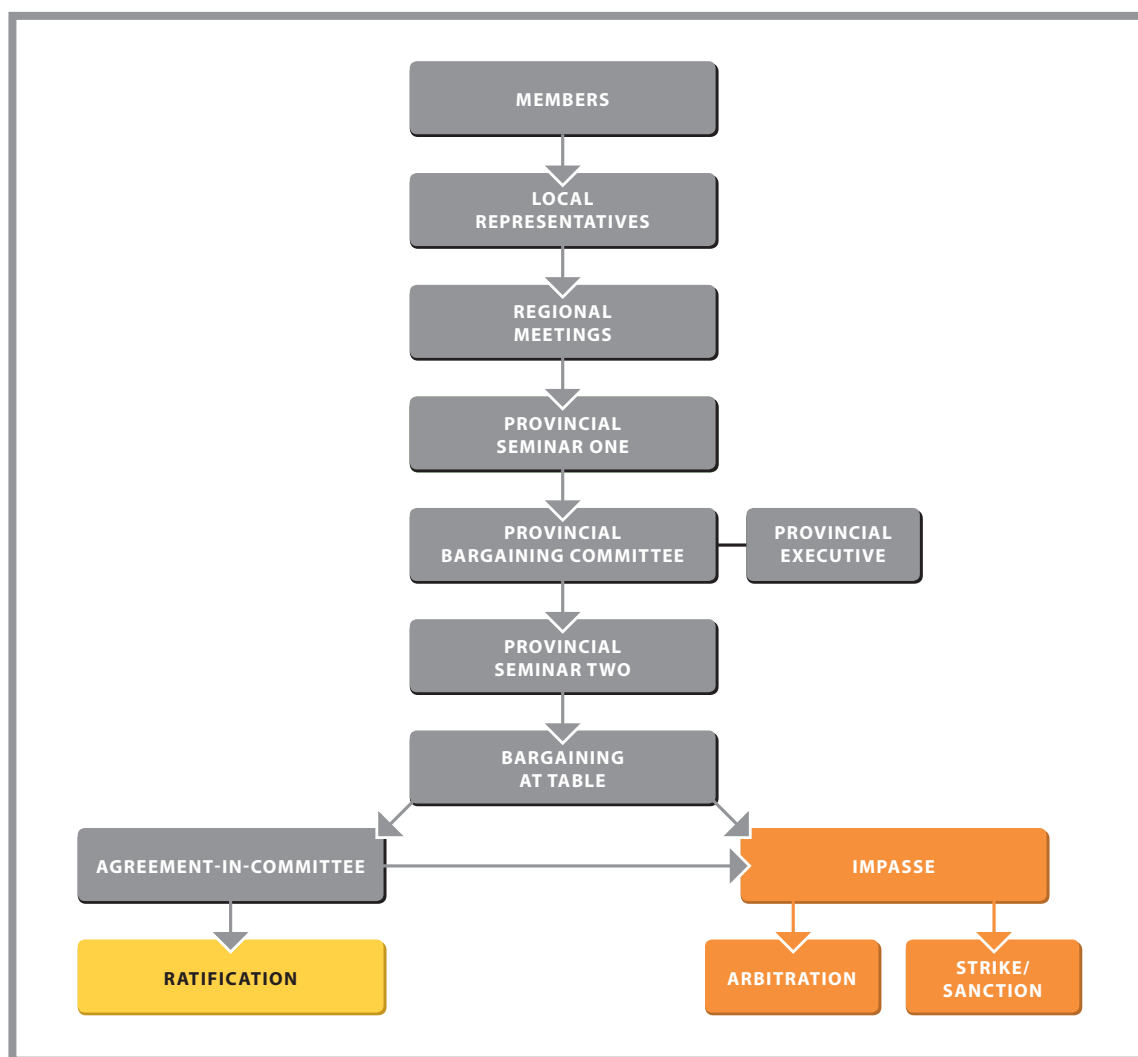
## IX. AGREEMENT IN COMMITTEE

### A. Communication

- Once an agreement in committee on renewal of the collective agreement is reached, the Table Team shall report details via the Provincial Bargaining Committee Chair to the:
  - Provincial Executive; and
  - Local Bargaining Representatives.
- Each Local Bargaining Representative shall, in consultation with the Society and before a ratification vote, communicate to Local Members the substance of the agreement in committee.
- The Society shall provide a walk-through video of the agreement in committee.

### B. Ratification Protocol

1. Ratification of the first and subsequent collective agreement shall occur in compliance with the requirements of *The Labour Relations Act*, any legislation governing provincial bargaining, and the By-laws and policies of the Society. The following guiding principles shall apply to the ratification process:
  - a. The Executive Director shall act as the chief electoral officer, oversee the ratification process, and maintain final authority on the ratification process.
  - b. The ratification vote shall be based on the principles of fairness, accessibility, accountability, and accuracy, and shall be confidential, secure, and incontrovertible.
  - c. Ratification votes shall be one voter, one vote, with the Executive Director determining how members working in more than one Local shall vote.
  - d. The ratification process shall be consistent across all Locals.
2. The Executive Director, as chief electoral officer, shall adhere to the following guiding principles



while conducting a ratification vote:

- a. The chief electoral officer shall develop guidelines for the ratification vote.
- b. The chief electoral officer shall prepare a voters' list of employees in the bargaining unit.
- c. The chief electoral officer shall provide notice to the bargaining unit membership of the ratification vote.
- d. The chief electoral officer shall determine the voting mechanism and provide notice to the bargaining unit membership of the voting mechanism employed.

### **Paper Ballot Vote**

- e. The chief electoral officer shall appoint deputy returning officers and other officials as required.
- f. The chief electoral officer shall distribute the appropriate paper ballots to each deputy returning officer.

*(i) Each deputy returning officer shall appoint an election clerk in each worksite within their Local to administer the vote for all eligible voters in each worksite.*

*(ii) The deputy returning officer shall distribute the appropriate paper ballots to each election clerk.*

- g. Ratification votes shall be by secret ballot. Voters shall mark their paper ballots, fold them, and submit the folded ballots to the election clerk.
- h. The election clerk shall count the ballots in the presence of at least one Member in good standing as witness appointed by the deputy returning officer.
- i. The election clerk shall accept as valid any ballot on which the intention of the voter is clear and evident.
- j. The deputy returning officer shall decide on the validity of any ballot on which the intention of the voter is neither clear nor evident, based on the guidelines prepared by the chief electoral officer, and any such ballot shall be reported to the chief electoral officer.
- k. Upon completion of the ballot count, the election clerk shall immediately communicate the ratification vote results to the deputy returning officer.
- l. Upon completion of the ballot count, the election clerk shall ensure that all ballots cast, as well as those unused, are delivered personally or sent by registered mail to the deputy returning officer.
- m. The deputy returning officer shall tally the ratification vote results received from the election clerk in each worksite in their Local and shall immediately communicate the results to the chief electoral officer.
- n. The deputy returning officers shall ensure that all ballots cast, as well as those unused, are delivered personally or sent by registered mail to the chief electoral officer.
- o. After the ballots have been counted, the chief electoral officer shall announce the results of the vote to the broader membership.

- p. With respect to mail-in ballots

*(i) The chief electoral officer shall provide mail-in ballots to employees in the bargaining unit who, no later than the date set by the chief electoral officer, advise the chief electoral officer in writing that they are on a leave of absence or that they are unable to vote at the time and place prescribed for voting.*

*(ii) The onus shall be on those who request mail-in ballots to provide a current mailing address when they request the ballots. If no address is provided, no ballot shall be mailed.*

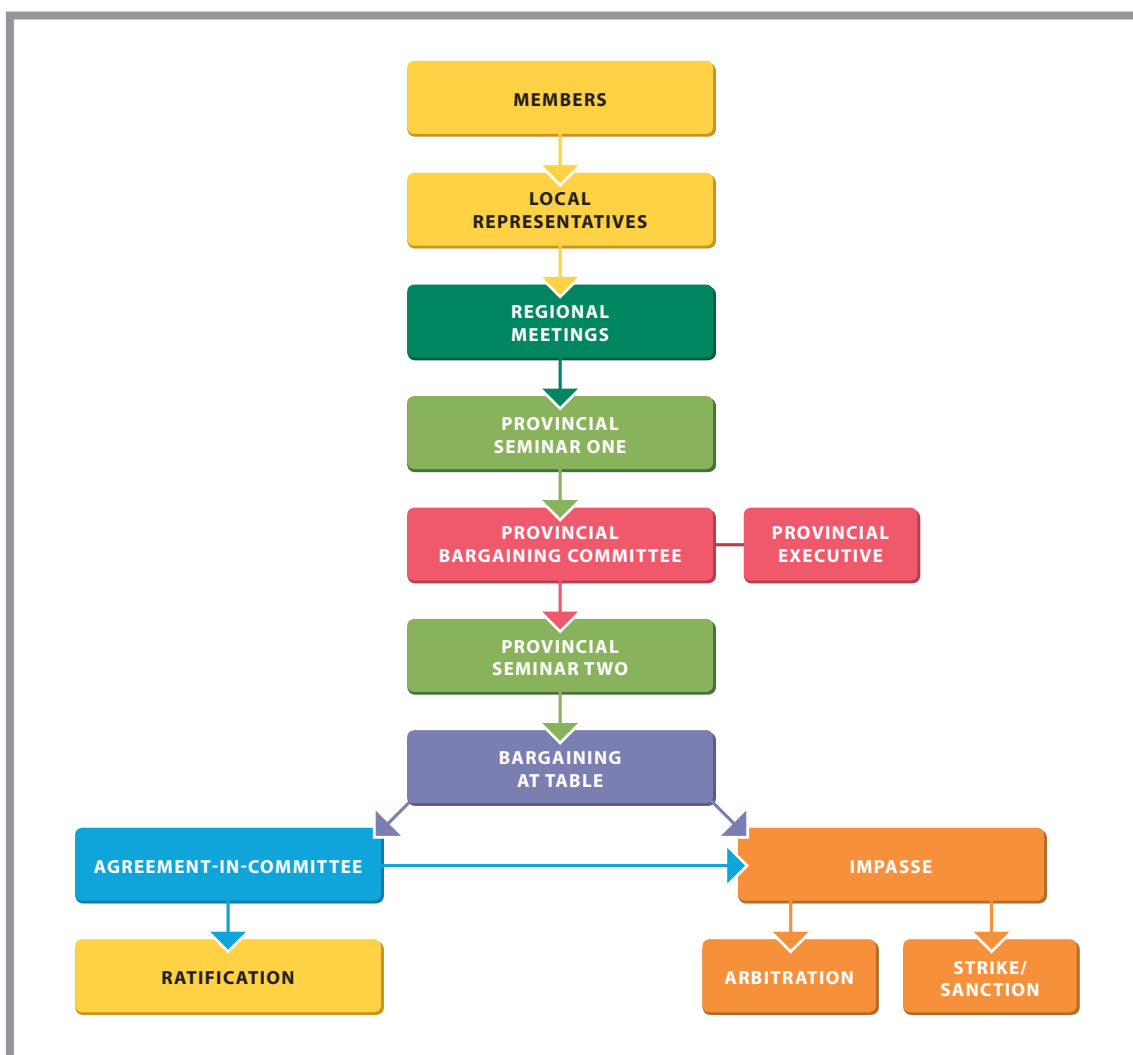
*(iii) The chief electoral officer shall cause the mail-in ballots to be mailed to those who request it prior to the ratification vote.*

*(iv) Mail-in ballots must be returned to the chief electoral officer and postmarked or date stamped no later than the ratification vote, or the ballot will not be counted.*

### **Electronic Vote**

- q. The chief electoral officer shall appoint deputy returning officers and other officials as required.
- r. The chief electoral officer shall identify a third-party provider to host the ratification vote.
- s. A member may request a mail-in ballot in accordance with sub-section 2.p of the Ratification Protocol

## **X. IMPASSE**



## A. The Sanctions Protocol

The Sanctions Protocol has not yet been created. It is envisioned that sanctions might take place during negotiations and/or after impasse is declared. The Sanctions Protocol will allow the Table Team to initiate sanctions and to receive a mandate from the Members for sanctions. No sanctions shall be undertaken without a Province-wide mandate. When contemplating sanctions, the Table Team shall take under advisement the information and recommendations collected at the Regional Meetings and Provincial Seminars.

## APPENDIX A

|                                                                         |                                           |
|-------------------------------------------------------------------------|-------------------------------------------|
| <b>CBSC Prepares MTS Provincial Bargaining Survey (PBS)</b>             |                                           |
| • Locals may not add items                                              |                                           |
| • Members given time to complete                                        |                                           |
| • Society collects Data from Surveys                                    |                                           |
| <b>Provincial Executive Appoints Regional Coordinators (from CBSC)</b>  |                                           |
| <b>Local Information Gathering</b>                                      | Reasonable time before expiration of CA   |
| • Locals may hold town halls/meetings                                   |                                           |
| • Locals collate local data for MTS                                     |                                           |
| Locals elect Local RM delegates                                         | At least 395 days before expiration of CA |
| Locals elect Local Seminar One & Two delegates                          | At least 300 days before expiration of CA |
| <b>Regional Meetings</b>                                                | At least 365 days before expiration of CA |
| <b>PX Members of PBC</b>                                                |                                           |
| • Appoint PX member to Chair PBC                                        | At least 60 days before PB Seminar One    |
| • Appoint CBSC chair & 2 PX to PBC                                      | At least 60 days before PB Seminar One    |
| CBSC creates PBC Candidate Questionnaire                                |                                           |
| <b>PBC PX Members, CBSC, Society Staff Organize Seminar One</b>         |                                           |
| Executive Director calls for PBC nominations                            | At least 40 days before PB Seminar One    |
| Deadline for PBC nominations to ED                                      | At least 10 days before PB Seminar One    |
| ED Publishes list of PBC nominees                                       |                                           |
| Seminar One Delegates receive PBC Candidate Questionnaire responses     | At least 5 days before Seminar One        |
| <b>Seminar One</b>                                                      | At least 270 days before expiration of CA |
| • Final call for PBC nominees to ED                                     | Noon, day 1 of PB Seminar One             |
| • Completed PBC Candidate Questionnaire for floor nominees to delegates | 2 pm, day 1 of PB Seminar One             |
| • Candidate Forum                                                       | Day 1 of PB Seminar One                   |
| • PBC election for 5 members                                            | Day 2 of PB Seminar One                   |
| <b>PBC</b>                                                              |                                           |
| • Reviews information gathered at Seminar One                           |                                           |
| • Prepares opening package                                              |                                           |
| <b>Seminar Two</b>                                                      | At least 90 days before expiration of CA  |
| • Walkthrough of opening package                                        | Day 1, PB Seminar Two                     |
| • Clarifying questions                                                  | Day 1, PB Seminar Two                     |
| • Regional Meetings, proposal of changes                                | Day 1, PB Seminar Two                     |
| • PBC reviews Regional Feedback                                         | Day 1, PB Seminar Two                     |
| • PBC presents changes to opening package to delegates for vote         | Day 2, PB Seminar Two                     |
| <b>Expiration of Collective Agreement</b>                               |                                           |

## APPENDIX B

### 1. Preamble

The Collective Bargaining Standing Committee / Provincial Bargaining Committee / Table Team (whichever applies), following the Manitoba Teachers' Society Provincial Bargaining Protocol, shall centrally manage all communication related to provincial bargaining.

The Collective Bargaining Standing Committee may recommend any change to the Communications Protocol if necessary.

The Lead Negotiator shall uphold and execute the democratic decisions of the Collective Bargaining Standing Committee / Provincial Bargaining Committee / Table Team (whichever applies).

The Lead Negotiator, in consultation with the Communications Department and subject to the approval of the Collective Bargaining Standing Committee / Provincial Bargaining Committee / Table Team (whichever applies), shall determine when and how communication related to provincial bargaining is disseminated to the broader membership as well as to the public.

### 2. Internal Communication

The Lead Negotiator authors and issues the Teacher Welfare newsletter, *Solidarity*, to local bargaining representatives and presidents as well as members of Provincial Executive at the following milestones:

- a. Announcing the distribution of the Survey;
- b. Announcing the results of the Survey;
- c. Announcing the Provincial Bargaining Committee and Table Team as well as priorities discussed at Provincial Seminar One;
- d. Announcing the opening package following Provincial Seminar Two;
- e. Announcing the revised proposal / opening package following local feedback;
- f. Announcing updates from the Table Team during bargaining;
- g. Announcing an agreement in committee;
- h. Announcing a ratification vote;
- i. Announcing the results of a ratification vote;
- j. Announcing sanctions and other contemplated measures.

### 3. Broader Membership Communication

Strategic communication to the broader membership shall be conducted through various platforms, including, but not limited to, *My Profile*.

### 4. External Communication

Strategic communication to the public shall be conducted through various platforms to galvanize public opinion.



