



RULES

**Communications, Energy and Paperworkers Union of Canada
ONTARIO REGION**

**Arbitration and Bargaining Fund
(The Fund)**

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BACKGROUND

At the 2004 National Convention Resolution G-25 dealing with the creation of Regional Arbitration Funds was presented. This resolution was carried and referred to the National Executive Board to be implemented. The resolution called for the CEP to establish and administer an arbitration fund in each of the Regions. The resolution called for the National Executive Board to establish the rules and regulations in consultation with the Region's locals. The Fund created must be affordable and accessible to all Locals.

MEMBERSHIP

According to the aforementioned principles, Multi Local Bargaining Units will have the option to join the Fund as a group.

All other Locals may participate in the Fund on a voluntary basis as soon as they sign their first collective agreement. A Local must be a member of the Fund for three (3) months prior to accessing the benefits of the Fund.

A Local may withdraw from the Regional Fund one (1) year after providing a written notice to the Vice-President responsible for the Regional Fund.

SERVICES

1. Reimbursement of collective bargaining expenses.
2. Reimbursement of grievance arbitration/mediation expenses.
3. Reimbursement of travel expenses to attend Fund annual meetings for one delegate per Local.
4. Payment of the OFL affiliation fees.

ADMINISTRATION

The Fund is administered by one of the three CEP Ontario Region Vice-Presidents.

The Vice-President responsible for the Fund approves expenses under these By-Laws.

Under exceptional circumstances, the Vice-President may authorize expenses that are directly related to bargaining or arbitration. The Vice-President responsible for the Fund will assign a National Representative to act as Fund Arbitration Coordinator.

LEGAL PROCEEDINGS

Legal proceedings under Section 63 of the Ontario Labour Code or Section 37 of the Canada Labour Code are not the responsibility of the Fund, except in the case of a refusal to proceed to arbitration after the appeal procedure has been exhausted.

DUES

The Fund dues are .17% and shall apply to basic salary and other earnings using the same rules as for the calculation of your national dues.

All Locals who pay their per capita tax directly to the National shall add the fund per capita (.17%) to their national per capita remittance. Their payment will be forwarded every month directly to the National Secretary-Treasurer of CEP.

The National Secretary-Treasurer for all Locals whose per capita tax is paid directly to the National Union by the employer collects the dues every month.

The dues received are credited to the CEP Ontario Regional Fund account.

BARGAINING EXPENSE REIMBURSEMENT

Bargaining Committee

The number of bargaining committee members per certification unit whose expenses are covered by the Fund shall be determined as follows:

Locals including:

Between 0 and 99 member	=	1 committee member
Between 100 and 124 members	=	2 committee members
125 members or more	=	3 committee members

Expenses Authorized For Reimbursement

For the purpose of face to face bargaining meetings with the employer, the following is applicable:

Wages

Wages for committee members, if the employer does not pay them. Each Local must include in its bargaining proposals the reimbursement by the employer for time spent bargaining. For members who work nights, the Fund shall cover lost wages for the night preceding and the night of the union leave.

The Fund will cover travel costs incurred to attend bargaining, at a rate of \$0.43 per kilometre for car travel or the full cost of public transportation upon submission of a receipt, if the bargaining is held outside the local's area. The distance claimed must be the distance in

kilometres in excess of the distance normally traveled between the place of residence and the place of work of the bargaining committee member.

Parking

Parking shall be reimbursed with a receipt.

Per Diem Allowance

Paid according to the following rates:

- \$10 minimum for any travel
- \$30 if the meeting spans two meals (dinner and supper) and the work continues in the evening
- \$75 if the meeting requires overnight accommodation, provided that a receipt for accommodation be submitted.
- These amounts will change to reflect the CEP constitution.

The Vice-President responsible for the Fund, must approve HOTEL ROOM expenses.

The Vice-President responsible for the Fund, must approve TRANSLATION expenses.

GRIEVANCES - ARBITRATIONS

Reimbursement

For grievances arbitrations, the Fund shall reimburse the following costs:

- Arbitrator or arbitration board
- Legal counsel, upon authorization by the Vice-President responsible for the Regional Fund
- The Vice-President will maintain a list of approved counsel.
- A Local may submit the name of counsel to be reviewed for addition to the list of approved Counsel.

The Fund will also reimburse the expenses for the following listed below:

- Witnesses called by the Union
- Local Representative

- Grievor(s) as determined by the Vice-President responsible for the Fund.

Wages

Reimbursed if the employer does not pay them.

Travel

Bus or car rates are paid for at a rate of \$0.43 per kilometre if the arbitration is held in a city other than that where the workplace is located. The Fund will cover travel costs incurred to attend the arbitration, at a rate of \$0.43 per kilometre for travel by car or the full cost of public transportation upon submission of a receipt, if the meeting is held outside the Local's area.

Parking

Parking shall be reimbursed with a receipt.

Per Diem Allowance

Paid according to the following rates:

- \$10 minimum for any travel
- \$30 if the meeting spans two meals (dinner and supper) and the work continues in the evening
 - \$75 if the meeting requires overnight accommodation, provided that a receipt for accommodation be submitted.
 - These amounts will change to reflect the CEP constitution.

The Vice-President responsible for the Fund, must approve HOTEL ROOM expenses.

NB: No grievance based on circumstances arising before participation in the Fund commenced shall be accepted.

PROCESS OF APPEAL

The Vice-President responsible for the Fund shall make the final decision to submit the grievance to arbitration.

A Local wishing to appeal the Vice-President's decision must do so by addressing a letter to the Vice-President within 90 days after the date on the Vice-President's notice of the decision not to submit the grievance to arbitration.

The Vice-President responsible for the Fund shall choose a committee of five (5) Local representatives that will hear the appeal.

This Appeals Committee shall meet upon request by the Vice-President responsible for the Fund, as needed and as required by the grievances appealed. The Regional Fund under these By-Laws shall reimburse all expenses and lost wages of the Appeals Committee.

The Appeals Committee will appoint a chairperson for its proceedings from among the 5 Local representatives.

Only the 5 members of the Appeals Committee shall take part in the proceedings. No staff member of the National Union shall be present.

The Appeals Committee shall meet in a CEP office.

The Fund Arbitration Coordinator or counsel shall be available to meet with the Appeals Committee on request in order to answer the Appeals Committee's questions or provide any information or case law that the Appeals Committee may need to reach a decision.

The Local that lodged the appeal may submit representations to the Appeals Committee in order to make its case. The related costs shall be borne by the Local.

The decision of the Appeals Committee shall be binding and final.

Should the appeals committee support the Vice-President's decision against arbitration, the Local shall still be entitled to have the grievance proceed to arbitration on the following conditions:

The Local shall make a deposit of \$2,500.00 with the Fund.

The Fund shall follow the usual procedure to coordinate the grievance in accordance with the Fund By-Laws.

If the grievance is fully or partially allowed, the fund shall reimburse all arbitration costs, including the Local's \$2,500.00 deposit.

If the grievance is dismissed, the Local shall pay all arbitration costs. Should these costs be lower than the deposit, the Fund shall reimburse the difference to the Local.

ANNUAL MEETING OF THE REGIONAL FUND

A one day annual meeting of the Fund shall be called by the Vice-President responsible for the Regional Fund. The Vice-President responsible for the Fund shall chair this meeting

Delegate entitlement shall be in accordance with the following table {based on Article 8.06.01 of the CEP Constitution:

0 - 200 members	-	2 delegates
201 - 350 members	-	3 delegates
351 - 500 members	-	4 delegates
501 - 700 members	-	5 delegates
701 - 1,000 members	-	6 delegates
1,001 - 1,500 members	-	7 delegates
1,501 - 2,500 members	-	8 delegates
2,501 - 4,000 members	-	9 delegates
Over 4,000 members	-	10 delegates

The Fund will cover travel costs incurred to attend the Regional Fund meeting for one Local delegate at a rate of \$0.43 per kilometre for car travel or the full cost of public transportation upon submission of a receipt, if the meeting is held outside the Local's area.

The Fund Rules may be amended by two-thirds vote of the delegates to any annual fund meeting, provided that a notice to amend the rules is received by the Fund Arbitration Coordinator thirty (30) days prior to the Council meeting where these amendments will be considered.

OFL AFFILIATION FEES

The Regional Fund will pay the OFL affiliation fees after the two first months of membership.

FINANCIAL REPORT

Locals participating in the Regional Fund shall receive audited financial statements annually detailing the revenue and expenses of the Regional Fund. Associated audit costs will be the responsibility of the Fund.

CLAIMS

All claims must be submitted to the Vice-President responsible for the Regional Fund, within sixty days after the date when the expense was incurred, using the claim form approved by the Fund. This applies to all claims made to the Fund. The Vice-President responsible for the Fund must submit to the annual meeting, for authorization, all expenses which exceed the reasonable limit.

FOR EMPLOYEES OF MULTI-LOCAL BARGAINING UNITS

Meeting room rental, translation and documentation expenses for the Bargaining Caucus.

Costs related to ratification vote counting (wages, expenses, meeting room for the counting of ballots, documents).

Costs of an information visit to Locals by bargaining committees during the ratification vote period.

All costs shall be shared 50-50 between Quebec and Ontario.

Locals remain responsible for costs related to membership meetings and ratification vote meetings.

INTERPRETATION GRIEVANCES FOR INTER-PROVINCIAL BARGAINING UNITS

Appeal

Appeals of collective agreement interpretation grievances shall be submitted to a committee of three (3) persons from Québec and a committee of three (3) persons from Ontario.

These committees shall make a final decision on the acceptance or rejection of a Local's grievance.

The Local that lodged the appeal may call or meet with the committees in order to make its case. The related costs shall be borne by the Local.

In the event of a disagreement between the two committees, they will hold a meeting in order to settle the issue.

This meeting will be held during the CEP Convention or in conjunction with a meeting of Québec or Ontario Local officers.

If the vote is hung further to this meeting, the decision of the Vice-President shall be maintained.