

MERGER COMMITTEE FINAL REPORTRecommendation

the membership

In April of 1984, after the membership had decided to leave the AUCE Provincial and merge with a larger union, an ad hoc Merger Committee was struck at a general membership meeting. The Committee was to consider the various options available to us, conduct whatever meetings it felt necessary, and return to the membership with a recommendation. We considered the three options that were given to AUCE in 1980 by the Canadian Labour Congress: the OTEU, the BCGEU, and CUPE. In addition, we considered two independent (non-CLC) unions put forward by ~~members of the Committee~~: the VMREU, and the HEU. After careful consideration, the Committee recommends to the membership that we enter into a two-year service contract with the Canadian Union of Public Employees (CUPE). A discussion of the other options investigated follows at the end of this report.

Service Contract with CUPE

A service contract with CUPE will allow us to operate as a CUPE local for two years, at the end of which time we can decide whether to officially become a local of CUPE, or to return to the status quo. During those two years we would pay the full CUPE per capita (\$11.25 per full-time member per month), and enjoy all of the services provided to CUPE locals — legal assistance and research of the sort we now obtain from lawyers and professional researchers, education of our stewards and committee members, assistance with public relations, access to the larger resource and political lobbying arms of the trade union movement (ie. the CUPE Metro Council and Provincial Division, the CUPE national, the district labour council, the BC Federation of Labour, and the Canadian Labour Congress) and, finally, access to a large defense fund.

The Merger Committee, or its representatives, have met repeatedly with Joe Denofreo, who is currently the staff representative assigned to CUPE locals 116 and 2278 on campus, and would likely be our staff rep if we decided in favour of a CUPE merger. In addition, we have met formally with the CUPE Regional Director (Len Stair) and the Director of Organizing and Servicing (Pascal Ingenito) and, on another occasion, with the Regional Director and the Assistant Director of Organizing and Servicing (Barry Davis). (There have also been informal discussions with executive members of several CUPE locals.)

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A tentative service contract has been negotiated. The contract allows us all of the services provided to CUPE locals, full access to the CUPE defense fund, and voting representation at the various levels of the organization. The contract also allows for a rebate of \$35,000 on our annual per capita to CUPE. This amount is meant to help us pay the wages of our own office staff.

Funding

In May of this year, before the Merger Committee was struck, the AUCE Local One Executive decided that a dues ~~increase~~ ^{formula} to 1.25% was necessary for the maintenance, and hopefully the improvement, of our current operation (see the May, 1984 newsletter for an article on this necessity). It is our proposal that such a dues increase be put to referendum ballot, and that the added revenue be used to help pay our CUPE per capita. The question of merging with CUPE would be on the same ballot. It is clear, however, that even with that additional revenue, some other measures will be necessary in order to make affiliation with CUPE possible.

There are certain savings arising from a service contract with CUPE. The contract will provide for a \$35,000 annual rebate, as mentioned above. We will not spend as much in the areas of legal, research and educational services. We will also no longer have to put 10% of our dues into the AUCE strike fund. Nevertheless, we would still have a large annual short-fall if we attempted to maintain our current operation as is. It is our proposal that over the two years of the service contract we cut back our local expenses to the point where we can operate satisfactorily on the revenue available. This could be done gradually, and carefully, if we use our current strike fund to cover some of the transitional deficit. A full financial projection addressing this proposal, and covering the two year period of the service contract, is attached.

Rationale

The Merger Committee believes that the time is over-ripe for this local to join a large public-sector union, and thus gain access to the kinds of resources necessary to ensure

our future well-being and growth. As a public sector union caught in a rapidly changing political context, we are faced with more than just our immediate employer. What we face, more and more, is a concerted attack on the public sector. As we learned last year, when the very legislative basis of public sector labour relations in the province came under attack, there is very little that one isolated union local can do on its own when the problem is greater than one isolated intransigent management. In terms of our own specific interests, we have much to gain from the organized efforts of trade unions representing the education sector. We also worry that continued isolation from the trade union movement will weaken our ability to negotiate (a big strike fund would help!), and leave us vulnerable to union-busting tactics on the part of management (lock-outs, expensive arbitrations).

The reasons we have decided to recommend CUPE are as follows:

1. Local autonomy. CUPE is unique in that it somehow managed to develop into a massive national union, and at the same time maintain an unusual degree of local autonomy. CUPE is really a mosaic of individual locals, each with their own personality and varying degrees of independence. In some, usually small, locals the CUPE staff reps handle grievances and contract negotiations. But any local can handle as much of its own servicing as it wants. Everyone we spoke to seems to be proud of this structure. They admit that it leads to a certain amount of inefficiency and confusion, but the locals themselves seem to be fiercely protective of their autonomy, and it is unlikely that CUPE will become more centralized and less democratic. We feel that this structure will allow us to maintain the kind of union local we now have, while at the same time gaining the benefits of membership in a powerful national union (over a quarter of a million members).

In CUPE we will have the benefit of a professional staff rep, with a high degree of experience and expertise, but we will not be dominated by the staff rep, which is something that does happen in some unions. We will still be running our own show. The staff rep can be included or excluded to the degree that we wish. Obviously much will depend on the individual staff rep that we are assigned, and on the relationship that we develop with that person. This is necessarily an unknown factor, but we are optimistic, and have been impressed by what other campus CUPE locals have had to say about their rep. We expect that this person, Joe Denofreo, will also be our rep, and we have already established a good rapport with him. The staff reps do not seem to be over-committed — there are about 20 reps in the province, and each one services about 2,500 to 3,000 members.

2. Services. CUPE offers a full range of services in the areas of research, legal assistance, education and public relations.

Research. There are national and regional research officers in the areas of contract negotiations, job evaluation, benefits and pensions, technological change, arbitration and labour law, and health and safety. It should be possible for us to get thorough research, and hopefully access to more information than is currently possible since there would be no cost involved. In most of these areas we currently pay for a certain amount of research to be done by a lawyer or a professional researcher.

Education. Education for union members is offered in the areas of shop steward training, job evaluation, contract negotiations, executive officer training, parliamentary procedures, labour law, grievance and arbitration, women's issues, local communications (newsletter production), public relations, benefits, technological change, and health and safety. Special courses can be arranged within the local (we would pay only the cost of booking people off work, and refreshments). Weekend and week-long courses are available, including an annual school at Naramata. CUPE also offers a 6-level certificate program which culminates in an eight-week residential program at the Labour College of Canada (CLC). As well as scholarships to the Labour College, where courses are taught at first-year University level, we would have access to scholarships to the annual CLC Winter School at Harrison.

Legal Assistance. The CUPE staff reps are fully trained and experienced in the area of arbitration. We would be able to use our staff rep as counsel in arbitrations — something we now pay a lawyer to do. We would also have access to the legal department in Ottawa (three lawyers), and would be able to use CUPE lawyers in situations where we could prove that the particular case was precedent setting — ie. a win would be beneficial to other CUPE locals, or to the trade union movement in general. We would also have access to the defense fund in extraordinary situations — for example, where we could demonstrate that management was trying to break the local by forcing us to go to arbitration on every issue. There is a likelihood that the BC office of CUPE will have an in-house lawyer in the near future. We would also be perfectly free to hire our own lawyer whenever we felt the situation merited it.

Public relations. The public relations department of CUPE would be of some assistance to us when we felt it necessary to go public with our complaints or, for example, to produce a leaflet to distribute to our own members or to the University community. Full scale public relations campaigns can be mounted, if necessary, and they are on a 50/50 cost sharing basis, CUPE's half of the cost coming out of the defense fund.

Publications. There is a constant flow of information from CUPE to its local officers and members. Several newsletters and journals are published regularly, each aimed at different needs within the union. These are useful for keeping abreast of recent developments in all areas of interest to trade unions. Articles of special interest can be reproduced in our own local newsletter.

3. Defense fund. The defense fund will pay \$75 per week to each member after the tenth day of a strike. The CUPE Division will supplement this — ie. if we decided to belong to the Division (an added per capita cost). There is currently between \$15-20 million in the fund. Recent changes in the administration of the fund attempt to ensure that it does not drop below \$10 million as it did a few years ago. The fund can be used, as already indicated, for some purposes other than a strike. In order to qualify to use the defense fund for strike pay, we would only have to be on a legitimate strike, The actual decision to strike would be entirely our own, as it is now.

4. Women's issues. The Women's Committee of the BC Division of CUPE was established eleven years ago. It was probably the first union women's committee in the province, and definitely the first CUPE women's committee in all of Canada. The Committee has the right to submit resolutions to the CUPE convention (the ruling body of the Union). Probably the most important of such resolutions was in 1980 when a resolution was passed at convention that the equalization of base rates would be a major issue in all CUPE collective bargaining. This subsequently became an issue in the majority of CUPE local negotiations (the degree of local autonomy in CUPE would prevent such a resolution being imposed absolutely). Equalizing the base rates means bringing the entry level rates of pay for clerical and labourer positions into line with each other. This has the result of equalizing the pay rates all the way up through the classification schedule, and virtually amounts to equal pay for work of equal value. CUPE in BC was quick to take the issue to their bargaining

tables, and managed to achieve their objective in about 14 locals throughout the province, and to go some distance toward achieving it in all CUPE locals. This was a major issue in the Lower Mainland municipal strike of 1980. Unfortunately, the Compensation Stabilization Program of 1982 — extended indefinitely in 1983 — has made more progress in this direction almost impossible.

CUPE has a policy of affirmative action recommending that affirmative action hiring programs be negotiated into CUPE contracts. Such a program has been introduced within the Union itself — ie. in the hiring and promotion of CUPE staff.

There are Women's Committees in every province now, and they continue the work of pushing for women's issues to be brought to the bargaining table. Sexual harassment articles have been negotiated in many locals. Parental leave is another area that is being promoted, and has been achieved in some locals. A whole set of standards for bargaining language on technological change has been developed, and CUPE has been successful in bargaining clauses that allow pregnant women release from VDT work. They have been particularly successful with this in libraries where the new technologies have been in place for a decade. Child care is another issue of concern, and work-site child care has been negotiated in Ontario.

CUPE has a National Task Force on Women, which concentrates largely on educating women within the Union, on aiding women to become more active within CUPE itself. The Task Force has been responsible for special conferences, and courses on women's issues. It is chaired by a BC woman, Maxine Zurbrigg, and its members are drawn from the provincial divisions, with representation from every province, and in addition from every department within the Union itself.

CUPE develops and institutes at convention policies on social issues not related to collective bargaining. CUPE has policy statements on such issues as abortion and pornography. CUPE is also active in making representation to various Federal and Provincial task forces and commissions. For instance, CUPE made submissions from both the BC and National offices to the recently concluded Federal Task Force on Child Care.

Half of the CUPE membership are women, and CUPE has a full-time equal opportunities officer (Cynthia Wishart).

5. Education sector. CUPE represents a large part of the education sector workers in the province, and across the country. This includes many universities. In BC, CUPE has locals at UVIC and UBC, as well as at several community colleges. We feel that through CUPE we will have easier access to information about other unions in post-secondary educational institutions, and increased opportunity for contact with other trade unionists who have similar problems and similar goals. Because of the large number of education sector workers it represents, CUPE is also likely to be well attuned to our needs. For example, CUPE produces and regularly updates a SALAD (System for the Analysis of Labour Agreement Data) comparing contract clauses and wages across all CUPE locals, with further breakdowns by sector. So we could find out very quickly what contract articles, and what wages are current in a couple of dozen universities across Canada, and for CUPE-represented clerical workers in general.

6. Affiliation. Belonging to CUPE will give us immediate affiliation to the Canadian Labour Congress (CLC), and allow us to affiliate to the BC Federation of Labour (BC Fed) and the Vancouver District Labour Council. Both of the last two would require us to pay an additional per capita tax amounting to about \$1.00 altogether. Membership in these bodies would increase our access to research and information, education, and the support of other trade unions. Membership in Operation Solidarity has already given us a taste of how useful this can be. The major function of these bodies is to coordinate the struggles of the trade union movement in general, and to deal with the various levels of government in the interest of the trade unions.

7. CUPE's structure. The biennial Convention is the ruling body of the Union. (we would have 5 delegates). A 17-member Executive Board elected at Convention governs the Union between conventions, and meets at least four times a year. Only two members of the Board, the President and the Secretary Treasurer, are full-time with the Union. A smaller committee, the National Executive Committee, meets twice between Board meetings. Regionally, the Union also has Provincial Divisions and District Councils, but membership in these bodies is optional for the locals, and also involves an additional per capita tax. Membership in the Provincial Division would allow us access to a supplementary defense fund which would increase strike pay.

8. CUPE at UBC. There are already two CUPE locals on campus. Our relationship with these locals is fairly good at the moment. We should be working closely together and giving thought to each other's interests. Our becoming a CUPE local would hopefully draw the three locals more closely together; and the possibility of coordinated bargaining on certain issues (wages!) is attractive. All three locals would remain autonomous, but the possibility of a closer informal, or even formal, relationship would be to our advantage.

9. The service contract. The willingness of CUPE to offer us a two-year trial period went a long way to persuading us. This gives us a good long time to assess the actual value to us of such a merger, and allows us the luxury of changing our minds if we discover that CUPE is not what we thought it was. At the end of two years we can become a chartered CUPE local, or return to the status quo.

Report on the other options investigated

OTEU.

Members of the Committee, and the AUCE office staff, met frequently on an informal basis with Bert Mitchell, staff rep for OTEU Local 15. Local 15 has three small bargaining units on campus. The Committee itself met formally with Mr. Mitchell, and also with Ann Harvey, the President of OTEU's other BC Local (378).

The Office and Technical Employees Union is a large international union. There are about 70 locals in Canada, but at this point only two in BC. If we joined we could become part of either of the existing locals, but we would more likely decide to enter as a third autonomous local. As such we would be able to retain our present structure, and our relationship to the other locals would be fraternal (sororal?). The combined membership of the three locals would be around 10,000, which is close to half the Canadian total.

We were assured by both locals that there is no interference in local matters by the international (OPEIU). All funds from Canadian per capita dues are banked in Canada. There is one international representative in Western Canada, and that person is essentially responsible for organizing new units. Locals have one representative on the board of the international, and an international convention is held once every three years. The international also holds educational conferences annually.

The governing body of the union is, as in most unions, the convention. A Canadian convention is held every two years. Between conventions, the governing body in Canada is the Canadian Consultative Committee (the Canadian Director, four vice presidents and seven regional officers).

If we affiliated through a separate OPEIU charter, as we would probably do, we would pay \$2.75 monthly per capita to the international. On top of that we would have to pay \$.50 per capita to the CLC and a similar per capita to the BC Fed (CLC is mandatory, BC Fed is optional).

The defense fund would be available to us only for the purpose of strike pay. We would be able to draw \$35 per member per week after two weeks. The only condition is that a strike vote has been taken, and proper notice given. The locals we talked to told us that there has never been any problem drawing on the defense fund in

the event of a strike. We would undoubtedly want to maintain our own local strike fund to bring the \$35 up to a more reasonable amount.

At the moment there are virtually no services available through the OTEU — the locals are entirely responsible for their own servicing. A Western Regional Council is being established, and it would be responsible for some servicing of the locals. That body will have two or three staff people, one paid by the international who would be responsible for organizing, and for providing research and educational seminars. The other one or two staff would be responsible for helping with servicing the locals (grievances, arbitrations, negotiations). If there is one staff person, we would pay an additional \$.50 per capita to the Council, if there are two the per capita would be \$1.00.

It is our feeling that a merger with OTEU would really only accomplish one objective, and that is our entry into the 'house of labour' — it would allow us affiliation to the CLC, BC Fed, etc., and the support of our sister locals. The defense fund would certainly be an improvement on what we have now and, the cost of affiliation to OTEU being as low as it is, we could still maintain a strike fund of our own. In OTEU we would have a lot of influence on the organization, at least provincially, and would be able to play a role in the development of the Regional Council. It could be exciting, but we feel that CUPE has more to offer.

BCGEU

The BCGEU vies with the IWA for the title of biggest union in the province. They have a master agreement which is negotiated with the government (through the GERB). This agreement covers the majority of their members. In addition to this group, the BCGEU has a large number of small locals which constitute individual bargaining units, and have their own separate contracts. A few years ago these small locals became sub-locals, grouped together into larger units now constituting locals of the BCGEU. There was some resistance to this move as it tended to decrease the autonomy of the individual bargaining units. If we were to merge with the BCGEU we would become a sub-local of Local 59 (support staff in colleges). We would still have our own bargaining unit, and our own collective agreement. The Local would act as a coordinating body for BCGEU bargaining units in the post secondary education sector.

We made our decision regarding the BCGEU before actually holding any formal discussions with their administrative directors. It appeared, from informal discussions, very

unlikely that we would be able to maintain, within the BCGEU, anything like our current structure — ie. full-time officers, the union office itself. Currently no BCGEU locals or sub-locals have such an arrangement. The maintenance of our structure, of our identity, was important enough to the Committee that we did not pursue our discussions with the BCGEU beyond informal talks with the Membership Secretary, and the Assistant Director. We found the few local executive members that we approached unwilling to give us very much information, and we were always referred to headquarters. The few people that we spoke with did seem satisfied with their union.

In many ways the BCGEU is a strong, effective union. The staff are very highly trained and competent. The BCGEU waged a long struggle to achieve public sector bargaining rights in the province, and all provincial public sector unions owe them their support. However, we felt that the structure of the BCGEU is too incompatible with what we have been used to. The structure is top-heavy, and the power flows for the most part from the top down. We feel that within CUPE, even though it is the country's largest union, there is less bureaucracy and greater democracy.

VMREU.

The VMREU 'represents...clerical, technical, professional, administrative and support employees of the City of Vancouver, its boards and regional boards and of other public bodies within the...Lower Mainland.' The VMREU has around 5,000 members, and in terms of the kind of work done is reasonably compatible with AUCE. The Union is divided into thirteen bargaining units, all serviced by a central office and staff (three staff reps and one business manager). They are currently attempting to change their structure in order to accommodate the affiliation of other locals such as us. We were assured that if we came into the VMREU we would be able to maintain our own structure pretty much as is. The proposed changes to their structure are not yet implemented, and there could be room for negotiation. These changes are as follows:

The VMREU, as it currently exists, would constitute one local (bargaining units of the VMREU would not be locals). Other locals would be allowed to affiliate. There would be an

Executive Council, elected at convention, with proportional representation from all locals. Each local would have its own executive, and its own bylaws. There would be a provision in the constitution allowing locals to be put under trusteeship, if their members so decided in referendum, or to withdraw from the Union altogether, also to be decided by referendum. There would be an annual convention. All locals would pay a per capita amount to the Union, and then be reimbursed the amount necessary for the administration of the local, the amount of the per capita and the reimbursement to be established at convention. The locals could charge their members a greater amount in dues than the per capita paid to the Union, if circumstances required it. There may be centralized support services, but essentially the locals would be responsible for their own servicing. The Union would be responsible for 'administration of finances, Executive Council expenses, defence fund, Members' Voice (newsletter), stewards' education, P.R., etc.'

The majority of the Committee felt that it would be a mistake to affiliate with an organization more or less similar to the one we just left. The VMREU is an 'independent' union, and hence attractive to those members of the Committee who would like to see AUCE remain independent. Independence in this instance means non-affiliated to the CLC, the BC Fed and the district labour council. The majority of the Committee feel that such affiliation is paramount, and in fact a large part of the purpose of this whole exercise. The VMREU, like the AUCE Provincial, is barred from affiliating to the CLC and the BC Fed because of a jurisdictional problem. To affiliate to these labour bodies the VMREU would have to become part of CUPE.

HEU

The Committee had a report on the Hospital Employees Union from one of its members, but no direct talks were held between the Committee and the HEU. We spoke with, and wrote to, the HEU rep responsible for organizing a couple of months ago, but have as yet received no response. We were told that there might be a problem of jurisdiction in that for the most part AUCE does not represent hospital workers. The HEU is involved in a jurisdictional dispute with CUPE at the moment, and would be unlikely to want to antagonize CUPE by discussing a merger with us, since CUPE is seriously interested in us itself. HEU, like the VMREU, is being blocked from affiliation to the CLC by CUPE. CUPE and the HEU are currently negotiating over this issue.