

THE FACTS February 2004

Researching Your Employer (Ontario)

For community services, it is important to maintain up-to-date files on your employer including financial information, the names of the members of the board of directors, and the by-laws. Social services CUPE locals need this information especially during difficult collective bargaining, or during a strike/lockout.

This information isn't easily obtainable and can take some time to collect. Having it well in advance of bargaining will save headaches later.

Here are some ways to obtain this information:

- joining the organization;
- researching the information;
- bargain access to information in your collective agreement.

JOINING AN ORGANIZATION

Often the by-laws of an organization prevent staff from becoming members. Some locals form exchanges so that a representative from each local joins the organization of the other. Members have the right to have access to the by-laws, the annual financial statement of the organization, as well as to attend the annual general meeting.

More information can be obtained if a member is able to run successful for the board of directors of the organization. Detailed information such as minutes to meetings and financial information can be obtained as a board member. However, this is often a considerable time commitment.

RESEARCHING THE INFORMATION

Ontario Corporations

For Ontario corporations the information on board of directors can be obtained online for a fee of \$40 at <http://www.oncorp.com>

The corporate profile lists the directors/officers of the corporation and their addresses. It also includes name change information and the last document filed by the company. There is no access to the by-laws through OnCorp.

Registered Charities

For registered charities, information is available from The Canada Customs and Revenue Agency Charities Directorate. By-laws are available from this source. Many community agencies obtain a charitable registration so that donors can use their receipt as an income tax deduction. The registration number is often located on fundraising materials or on the web site if they have one. This is the kind of information that may be in their files:

- a copy of the governing document;
- a copy of the by-laws;
- a detailed account of activities;
- a copy of the latest financial statements;
- a copy of minutes, newspaper cuttings, pamphlets, fund-raising materials, etc.

Here is how to reach them.

Telephone:

In the Ottawa area - (613) 954-0410

Toll free - 1-800-267-2384 (English)

In writing:

Charities Directorate

Canada Customs and Revenue Agency

Ottawa ON

K1A 0L5

Federal Corporations

Most community organizations are incorporated provincially. However, some chose a federal incorporation. An initial search can be done on-line at:

http://strategis.ic.gc.ca/epic/internet/incd-dgc.nsf/vwGeneratedInterE/h_cs01424e.html

By-laws for federal corporations are filed with Application For Incorporation For A Federal Corporation. You can obtain photocopies of all incorporating documents from Corporations Canada. This is a service offered by NCNC a subsidiary of OnCorp and they can be reached at sue@ncnc.com or 416-923-4080.

Freedom of Information and Protection of Privacy Act

Sometimes the provincial government requires information such as by-laws as part of the application process. You can also apply to see financial information on funding held by the provincial government. If you want access to government records, begin by contacting the department or agency that has the information. If access is denied, make a written request under the Act. You can reach a ministry's privacy coordinator at:

<http://www.cfipo.gov.on.ca/mbs/dor/dirrec.nsf/HighUnitNameView?openview>

You must pay a \$5 application fee, payable to "The Minister of Finance," when you make your request. There are charges for

searching and photocopying, so to save money it is often useful to confine your request for records relating to the funding and financial information of the name of your employer's organization, to a period of time such as going back two fiscal years. You may also request the by-laws of the organization. Freedom of information requests can be time-consuming and must be done well in advance as delay is the common tactic taken by ministries.

Internet Research

Information can be obtained on an organization from the internet. More and more employers have developed web pages that contain the name of the board of directors and annual reports. The web page for the employer's association can also contain valuable information. Also an internet search on the employer's name can often unearth a wealth of information.

BARGAINING ACCESS TO INFORMATION

Many CUPE locals have made access to information a priority. Building the right to information in the collective agreement can entrench regular access to information important to bargaining.

Here are some of the areas where collective agreement language has been negotiated:

- the right to attend board meetings;
- the right to access the names, and addresses of board members;
- the right to access bylaws;
- the right to access board information, minutes, and other materials;
- the right for the union to make presentations to the board;
- the right to have a union representative on the board.

Collective Agreement Language

Here is some sample language negotiated by CUPE social services locals.

Ottawa Salus Corporation and CUPE Local 3942

Expiry: March 2004

Article 10 - Resolutions of the Board
10.01 - Members of the bargaining unit are able to attend Board of Directors meetings. A copy of the agenda and minutes shall be provided to those attending. After Board approval of the minutes, the minutes shall be available to all staff in the Board Binder.

Yorktown Shelter for Women and CUPE Local 3878

Expiry: September 2004

7.07 - The agenda and the minutes for regular meetings of the Board of Directors will be sent to the local Union President as soon as they are available.

The local Union President may request an opportunity to present an issue to the Board of Directors. Such requests will be made to the Executive Director for decision.

Such requests shall not be unreasonably denied.

Big Sisters Big Brothers Ottawa and CUPE Local 1986

Expiry: December 2004

10.09 - Committee Representation
The Employer agrees that bargaining unit employees shall have the right to have a bargaining unit employee participate on each Committee of the Board of Directors, with the exception of the Executive Committee. The bargaining unit employee participant on a Committee shall not be present during discussions involving

Labour/Management matters or during in camera sessions.

The Children's Aid Society of Haldimand- Norfolk and CUPE Local 1766

Expiry: March 2002

Article 28 - Copies of Minutes
28.01 - Copies of the minutes of meetings of the Board of Directors will be forwarded to the Union and posted on a bulletin board specified for that purpose within five (5) working days of each meeting.

Nelson House and CUPE Local 3851

Expiry: December 2002

- Article 7.02 - Board of Directors
- a) Local 3851 shall be provided with a list of the names of the Board members and its executive following each AGM, and will be notified of any changes thereafter. Communications with Board members shall be directed to Nelson House.
 - b) The Employer shall make available in the workplace a binder with approved minutes of all Board meetings.

The Children's Aid Society of the City of
Belleville and

CUPE Local 2197

Expiry: March 2002

Partnership & Communication

In order to foster better communication and a sense of partnership between the parties, the parties agree that:

(a) Subject to (b), (c), and (d), the Union President or his/her delegate (hereinafter referred to as the "Union Representative") shall have the privilege to attend and to be heard at meetings of the Board of Directors of the Employer. Presentations by the Union Representative shall be included in the Board information package distributed in advance to members of the Board.

(b) Notwithstanding (a), the Parties agree that the Union Representative shall not have the right to attend the following meetings of the Board of Directors:

(i) The meetings of the Committees of the Board of Directors, unless invited by the Chairperson of the Committee to attend;

(ii) Any portion of any meeting where the Directors vote to discuss matters "in camera" unless the Chairperson of the meeting invites the Union Representative to remain for that portion of the meeting.

(c) For greater certainty, the Union Representative shall not be entitled to a vote at any meeting.

(d) The parties hereto agree, that as aforesaid, the purpose of this Letter of Understanding is to foster communication and promote partnership. Accordingly, neither party shall take the opportunity presented by the public forum of the meetings of the Board of Directors of the Employer to embarrass the other in any way.

(e) At the request of the Executive Director, the Chairperson of the Board of Directors of the Employer or his/her delegate may attend all staff meetings.

(f) This Letter of Understanding shall be operative for successive six (6) month terms and either Party may terminate this Letter of Understanding at the conclusion of any six (6) month term.