

FT FAQs on the ending of conciliation

4 February 2010

Background

In 1979 AUNBT was certified as bargaining agent for UNB's full-time academic employees. Since that time the parties have succeeded in reaching 10 collective agreements. Usually they have done this on their own but on several occasions they worked with a conciliation officer, on one occasion with a mediator and on one occasion – when only money remained in issue – through arbitration. The parties have never engaged in a strike or lockout but came close on two occasions. On the most recent one (2005–06), the AUNBT Collective Bargaining Council had to authorize the calling of a strike vote before a settlement was reached.

On 16 June 2009 AUNBT and the UNB administration began bargaining for an 11th collective agreement. On 11 January 2010 the parties applied jointly to the NB minister of Labour for a conciliation officer to assist with the remaining issues. The conciliation officer sat in on six bargaining sessions and spoke with the two chief negotiators on many other occasions.

Finally, on 3 February the conciliation officer reported back to the minister on the state of bargaining between the parties. The report was private to the minister but its message was that substantive negotiations were at an impasse. The filing of that report brought the formal conciliation process to a close. Here are some post-conciliation FAQs.

Does the ending of conciliation mean that negotiations have ceased?

Negotiations can always continue. The two chief negotiators remain in communication. At some point active bargaining will resume. If necessary, the parties can work with help from a *mediator* or even through *arbitration*. Even when they do resume active negotiations, the various time-lines mentioned below for the most part continue in effect.

Does the end of conciliation mean that the press blackout on negotiations has expired?

The agreement against bargaining in the press remains in effect:

9. *There will be no communication with the media prior to a strike or lockout except as joint statements. The AUNBT may communicate with their membership about negotiations. The administration will not communicate with the AUNBT membership about negotiations. The administration may communicate within the administration about*

negotiations. *[emphasis added]*

What, then, is the significance of conciliation ending?

The legal significance of conciliation ending is that a clock began ticking. The minister of Labour has up to 15 days from receipt of the conciliation officer's report to decide whether to appoint a conciliation board to take over her work. This happens rarely. Typically, the minister issues a "no board" decision.

What is the significance of a "no board" decision?

After a lapse of seven days following a no board decision the AUNBT Executive, having received authorization from the Collective Bargaining Council, could conduct a legal strike vote. Equally, the UNB administration enters a position in which it could lock out full-time academic employees. An actual strike or lock-out could be called after giving 24 hours' notice to the other side.

While the parties may enter a period when a lawful lock-out/strike is possible, neither side is compelled to follow through. Still, the approach of this date puts the parties under increasing pressure to reach agreement. UNB remains the only NB university never to have had a lock-out or strike.

Does any of this affect UNB's contract (*ie*, part-time) academic employees?

No. The two bargaining processes will give rise to two legally distinct collective agreements for two legally separate AUNBT bargaining units.