

FAQs on entering Conciliation

8 January 2010

Since June 2009 AUNBT and the UNB Administration have been bargaining for an 11th collective agreement for full-time teachers, researchers and librarians. Although negotiations began late and progressed rather slowly, they have reached a stage where most items have been agreed. However, on some key articles the parties remain apart.

On 8 January, in hopes of moving the talks forward to a collective agreement, AUNBT and the Administration joined in applying to the provincial minister of Labour to appoint a conciliation officer to assist the parties in reaching an agreement. AUNBT and the Administration have gone through conciliation on a number of occasions in the past. Here are some conciliation FAQs.

What is conciliation?

In conciliation the provincial minister of Labour appoints a neutral 3rd party, called a “conciliation officer”, to meet with each side’s bargaining team to see what the remaining disagreements are, what the thinking is underlying the various positions and how each party might move closer to the other side. The conciliation officer is a civil servant. The province provides the conciliator’s services free of charge in order to promote labour peace.

Are AUNBT’s full-time and part-time bargaining units lumped together or treated separately?

Despite some common or overlapping issues, the two AUNBT/Administration bargaining processes now ongoing are distinct legally and practically. They will give rise to separate collective agreements. Negotiations at the part-time table are continuing.

Can the conciliator impose an agreement on the parties?

No. The conciliation officer’s role is to assist the parties in examining their positions and to encourage them in moving towards agreement. For this reason conciliation is most apt to be successful where the parties have already narrowed disagreements to a few key ones.

What if conciliation fails to produce agreement?

Because conciliation involves an intensive schedule of meetings, once it gets underway typically it does not take long. If the parties reach agreement during

conciliation they go on their way rejoicing. Should it become clear that there is no present prospect of an agreement, the conciliation officer gives up and writes a report to that effect to the minister of Labour. At that point the minister decides whether to appoint a "Conciliation Board" to enquire further into the differences between the parties. Almost invariably the minister decides against this, resulting in a what is called a "no board" announcement.

What happens after a "no board" decision?

The parties could, if they chose, continue negotiations with the assistance of a mutually-agreed mediator, either retained privately or appointed by the minister of Labour. As with the conciliation officer, a mediator's task would be to bring the parties to agreement, not impose agreement on the parties. It was the mediation process that produced agreement in the protracted negotiations for the 10th full-time collective agreement in 2005-06.

Subject to this mediation possibility or some other process to which the parties might agree, after termination of the conciliation process and the lapse of a further week and some statutory requirements, the Administration would be in a position to lock-out AUNBT's full-time bargaining unit. Equally, following a strike vote and notice AUNBT's full-time unit would be in a position to take job action. For these reasons, both parties are under considerable pressure to make the conciliation process successful. However, failure of conciliation and the entering of a period of potential legal lock-out or strike does not mean that either of those eventualities must occur. The parties can resume negotiations any time they think it useful.