

FAQs on appointment of a conciliation board in FT bargaining

18 February 2010

On 18 February bargaining between AUNBT's full-time academic employees and the UNB administration was lengthened by the decision of the provincial minister of Post-Secondary Education, Training and Labour Donald Arseneault to order the appointment of a conciliation board, a rarely-used labour negotiations process. With this intervention, the pressure of a lockout or strike is postponed until after the conciliation board has filed its report, which will take more than a month, possibly much more. If a new collective agreement has still not been reached by the conclusion of the conciliation board process, the employer and AUNBT will enter a legal strike/lock-out position.

As we have noted, appointment of a conciliation board is a rare development in labour relations. AUNBT is surprised by the minister's decision but will work with the conciliation board in good faith. Here are some FAQs on conciliation boards.

What is a conciliation board?

A conciliation board is a committee of three people appointed to advise the provincial minister of Post-Secondary Education, Training and Labour on the nature of the remaining bargaining issues between AUNBT and the UNB employer. In forming this board, the employer appoints one member, AUNBT appoints another and then these two members agree in naming a third person, who will act as a neutral chair of the board.

Haven't AUNBT and the employer already worked with a provincial conciliation officer?

Yes. On 16 June 2009 representatives of AUNBT and the UNB administration began bargaining for an 11th collective agreement for UNB's nearly 600 full-time academic employees. On 8 January 2010 the parties applied jointly to the provincial minister of Post-Secondary Education, Training and Labour for the services of a conciliation officer to assist with remaining issues. When negotiations reached an impasse, the conciliation process ended and the conciliation officer filed her report to the minister on February 3rd. At that point the parties entered a waiting period prior to reaching a legal strike or lock-out position. As noted below, appointment of a conciliation board extends that waiting period.

How is the role of a conciliation board different from the role of a conciliation officer?

A conciliation officer operates informally, by sitting in on negotiations and making suggestions. The conciliation board will hold formal hearings where each side to the dispute will present its own case and respond to the other.

Can the conciliation board impose a collective agreement on the parties?

No. The report of a conciliation board is purely advisory.

Does the appointment of a conciliation board prevent the parties from bargaining?

No. The parties can bargain at any time. .

Why does AUNBT say it is surprised by the minister's decision to appoint a conciliation board?

AUNBT is surprised by the minister's decision to appoint a conciliation board because it interferes with the process of free collective bargaining and is rarely done. When negotiating teams fail to reach a collective agreement despite the assistance of a conciliation officer, usually the minister responds by making what is called a "no board" announcement. Soon after, the parties enter a legal strike/lock-out position. Appointment of a conciliation board delays that timing. It will take weeks to appoint conciliation board members, schedule and conduct hearings and then submit recommendations to the minister. During all this time the parties have no inducement to return to the bargaining table with new proposals.