

FAQs on entering PT Conciliation

10 February 2010

Since May 2008 AUNBT and the UNB administration have been bargaining for a first collective agreement for UNB's more than 500 contract academic ('part-time') teachers and librarians. Negotiations began well but stalled in the fall of 2008, recovering momentum only recently. At last they have reached a stage where most items are agreed. However, on a few key articles the parties remain apart.

On 5 February, in hopes of moving the talks over the finish line of a collective agreement, AUNBT applied to the provincial minister of Labour for appointment of a conciliation officer to assist the parties. (This is distinct from the conciliation process between the Administration and UNB's full-time academics, which ended unsuccessfully on 3 February.) Here are some answers to 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 part-time and full-time bargaining units lumped together or treated separately?

Despite some common or overlapping issues, the two AUNBT/Administration bargaining processes have been and are distinct legally and practically. Conciliation will not change this. Ultimately, they will give rise to separate collective agreements.

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, as is the case here.

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, the agreement is presented to the membership for ratification. If conciliation does not produce an agreement within 14 days (or longer, if there is progress and the parties and the conciliator agree), the conciliator 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.

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 part-time bargaining unit. Similarly, following a strike vote and notice AUNBT's part-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.