

Conciliation FAQ for StFXAUT Members

On November 14, 2012, at 12:30 pm, after 39 bargaining sessions over five months, the St. Francis Xavier Association of University Teachers (StFXAUT) asked the Ministry of Labour and Advanced Education to appoint a conciliator as contract talks with management have stalled.

Later the same day, the employer also filed for conciliation. The StFXAUT filed for conciliation because it believes this process is now necessary in order to reach a negotiated agreement at the bargaining table.

For a more detailed explanation about the issues leading to the union's call for conciliation, please see Bargaining Bulletin Number 7 on the StFXAUT website, located here: <http://stfxaut.ca/wp-content/uploads/2012/11/Bargaining-Bulletin-7.pdf>

What Is Conciliation?

To aid negotiations, either an employer or a union may ask for third-party assistance, called conciliation. Conciliation is the process by which a conciliator, appointed by the Nova Scotia Ministry of Labour acts as a mediator between the StFXAUT and the employer in order to facilitate communication and reach a settlement.

The process is non-binding, but the StFXAUT and the employer must meet with the conciliator before a strike or a lock out can occur. If conciliation fails, the conciliator will file a confidential report, known as a "no-board report," with the Ministry of Labour. The parties must then wait 14 days after a report is issued and then serve 48 hours notice of intent before a legal lockout or strike may begin.

Why Call for Conciliation?

The StFXAUT believes that conciliation will lead to productive bargaining. In the bargaining for our last contract in 2009, the StFXAUT reached a settlement as a result of conciliation.

Conciliators are neutral third parties with expertise in helping parties to find acceptable solutions even though they do not have the power to impose a settlement.

The StFXAUT sees conciliation as an opportunity to revisit the outstanding issues in a more productive setting.

What Happens If Agreement Is Reached?

The parties prepare and sign a Memorandum of Settlement. The StFXAUT negotiators and executive will then ask AUT members to vote on the agreement.

What Happens If Agreement Is Not Reached?

If no agreement is reached, the Conciliator will declare an impasse, and will file a no board report with the Minister of Labour and Advanced Education.

Once the conciliator files a no-board report, a fourteen (14) calendar day countdown begins at 12:01 am on the next day. During the countdown period, the employer is not permitted to increase or decrease wages or alter any other term or condition of employment.

Often during this period, the Conciliator will ask both sides to meet in a further attempt to reach a settlement and avoid a work stoppage. If the parties are unable to settle, the following conditions must be met before either party may engage in a legal work stoppage:

- The fourteen (14) calendar day countdown must have expired, and
- The Minister must receive written forty-eight (48) hours' notice of intention to strike by the Union or lockout by the Employer.

Does This Mean a Strike or Lockout is Inevitable?

No. Both parties always have the option of settling their dispute at any time, including after the notice has been provided to the Minister.

What is a Lockout?

A lockout occurs when the employer denies access to the workplace in order to exert pressure on the union and its members to settle on the employer's terms. Employers can legally lock out employees only after conciliation, and then only fourteen days after a no-board report, and must give 48 hours notice of intent to lock out. Lockouts rarely occur in the university sector.

What is a Strike?

Legal strike action is the right of unionized workers to withdraw services collectively with the aim of demonstrating their collective concerns and resolve to achieve fair terms of employment.

Do I need to be Worried About a Possible Lockout or Strike?

We cannot speak for the employer, but the StFXAUT executive will only call a strike if, in its judgement and on the advice of its negotiating team, there is no other way to reach a fair collective agreement.

However, you should be aware that a lockout or strike is always possible. It is always important to be financially prudent and plan ahead; you should also review the FAQ on strikes and strike benefits:

<http://stfxaut.ca/wp-content/uploads/2012/10/StFXAUT-FAQ-on-Strikes.pdf>

Talk with your colleagues. Send questions to the StFXAUT. Also review the Bargaining Bulletins posted on the StFXAUT website to be aware of the history of this round of bargaining and the issues at stake; you can find this information by following the AUT Negotiation Updates/News link at www.stfxaut.ca.