

A FAIR DEAL

Protecting the University

TIMELINES



CONCILIATION

from the NUFA CC: Wendy Peters, Susan Srigley & Richard Wenghofer

What is conciliation? Does it mean that negotiations have broken down and that we are going on strike? No.

After 14 days,

the conciliator is legally required to contact the MoL regarding the success achieved. But that period can be extended by agreement of both parties and the Minister upon the advice of the conciliator. If an agreement is not reached, the MoL usually issues a 'no board report' to the union and the employer. Though the report has been issued, the union and the employer may legally continue to bargain to secure a collective agreement.

17 days after the 'no board report'

there are four possible courses of action:

- NUFA is in a legal position for labour action
- the University is in a legal lock out position
- we can continue bargaining
- we can not continue bargaining

UNDERSTANDING THE PROCESS

It is understandable for people to experience a sense of concern when they hear their bargaining representatives have filed for conciliation. It is a term erroneously infused with negative connotations. In truth, conciliation is a normal part of the bargaining process. Conciliation is simply a process by which a union or employer requests help from the Ontario Ministry of Labour (MoL) to resolve issues and reach a collective agreement.

A conciliator is a skilled mediator appointed by the MoL to assist in overcoming differences. Either party may apply for this assistance. In this case, your union has determined that the parties have exhausted the means at their disposal to move closer on

their own to the mandate NUFA members have given their team.

Appointing a conciliation officer usually takes time. While waiting, negotiations continue between the two parties. When the conciliator arrives, he / she meets with both parties, and then acts in an impartial fashion in an attempt to secure an agreement. Depending on the individual conciliator, the atmosphere in the room, the arguments of the parties, and the issues on the table, the conciliator will either work in the room with both parties present or can place the parties in separate rooms and go between the two rooms with the respective offers.

The union may legally engage in job action and the employer can legally begin a lockout. For these reasons many assume entering conciliation automatically leads to a strike or lock out. But a 'no-board report' does not mean that either will necessarily happen, only that it would be legal if either did occur. During the 17-day waiting period, the MoL continues to offer the parties assistance through a mediator prior to a strike or lockout.

Entering conciliation is a normal step in attempting to secure a good deal for all. It both utilises the help of a third party and brings to bear at the negotiating table the willingness of association members to engage in job action if all other attempts fail to achieve a deal that NUFA members deserve.

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