

PEITF INTERNAL POLICIES RE NEGOTIATING PROCEDURES

PREPARATION

Internal procedures for the determination of a Memorandum of Agreement shall be:

PREPARATION

1. An Economic Welfare Committee shall be appointed by the Executive.
2. The members of the Economic Welfare Committee shall include one principal, one secondary teacher, one elementary school teacher, the President of P.E.I.T.F., the Past-President/President-Elect of the P.E.I.T.F. and one member of the former Economic Welfare Committee. Additional members may be added to the Committee by the Executive. A staff member(s) of P.E.I.T.F. will be assigned to the Committee.
3. The duties of the Economic Welfare Committee shall be:
 - (a) to remain aware of current trends in economic welfare benefits for Canadian teachers,
 - (b) to prepare and present to the Executive a brief outlining desirable changes in the Memorandum of Agreement,
 - (c) to carry out directives which may be provided from time to time by the Executive.
4. Prior to presentation to any outside agency the Executive shall formally adopt the final brief presented by the Economic Welfare Committee.

NEGOTIATIONS

1. A negotiating team, chosen from the Economic Welfare Committee, shall be appointed by the Executive to represent the Federation in discussions with Government representatives.
2. The Economic Welfare Committee shall:
 - (a) direct and advise the negotiating team;
 - (b) arrange through the Executive the initial meeting with Government representatives;
 - (c) determine the scope of alterations to the original P.E.I.T.F. presentation, where such alterations are warranted;
 - (d) continue to gather information required for negotiating purposes;
 - (e) continue to press the negotiations until all possible avenues of approach have been exhausted or the period for negotiations and conciliation has ended.

FINALIZATION

1. When the Economic Welfare Committee considers that:

- (a) the negotiations have reached a favourable settlement, or
- (b) the negotiations have reached an impasse

the Committee shall inform and make a recommendation to the Executive.

2. Having been advised by the Economic Welfare Committee, the Executive may:

- (a) redirect the Committee;
- (b) request the appointment of a conciliation officer;
- (c) present a proposed settlement to the membership for ratification or rejection. The Executive may recommend that the proposed settlement be accepted, or rejected; or the Executive may choose to send the proposed settlement to the membership with background but without recommendation;
- (d) recommend to the Board of Governors that an Arbitration Board be established to rule on matters in dispute. At this point the Board of Governors may authorize the Executive to apply for the establishment of an Arbitration Board, or, direct the Executive to submit the final offer of Government to the membership for ratification or rejection.

3. Should negotiations resume prior to Arbitration, and if the Economic Welfare Committee recommends to the Executive a tentative Agreement, the Executive may:

- (a) redirect the Committee;
- (b) present a proposed settlement to the membership for ratification or rejection. The Executive may recommend that the proposed settlement be accepted, or rejected; or the Executive may choose to send the proposed settlement to the membership with background but without recommendation;
- (c) Reject the recommendation of the Economic Welfare Committee and Recommend to the Board of Governors that the issues still in dispute continue to Arbitration.

The Board of Governors may direct that the issues in dispute continue to Arbitration.

or,

Direct the Executive to send the most recent proposed settlement to the membership for ratification or rejection.

4. No details on the outcome of bargaining will be released to the media until:

- (a) An Agreement has been ratified or rejected by the membership;
- (b) Talks have broken off without an Agreement being reached.

Board of Governors will be informed of the outcome of negotiations prior to any media release.

- c) The ultimate responsibility of acceptance of any negotiated settlement regarding teachers' economic welfare benefits is with the membership and the decision of the membership shall be determined by use of the P.E.I.T.F. Voting Procedures.
 - d) subject to the approval of the Board of Governors, determine that an Arbitration Board should rule on the matters in dispute and recommend to the Board of Governors that such action be taken.
5. Prior to the Executive making application for the establishment of an Arbitration Board, the Board of Governors shall determine whether or not the final offer(s) of the Government representatives shall be submitted to the membership for ratification or rejection.
 6. The ultimate responsibility of acceptance of any negotiated settlement regarding teachers' economic welfare benefits is with the membership and the decision of the membership shall be determined by use of the PEITF Voting Procedures.

BARGAINING PROCEDURES

DEFINITIONS

- (a) "authorized representative" means the representative for instructional personnel shall be the Prince Edward Island Teachers' Federation, so long as a majority of the instructional personnel employed in the province has authorized it to represent them for negotiation purposes; (EC481/98)
- (b) "board" means a board of arbitration established under these regulations;
- (c) "conciliation officer" means a person appointed by the Minister of Community and Cultural Affairs;
- (d) "instructional personnel" means a person who has been issued a license under subsection 3(1) and such other employees of a school board as the Minister may designate.
- (e) "Parties" for the purposes of collective bargaining with instructional personnel, means the Education Negotiating Agency and the authorized representative appointed by the Minister of Community and Cultural Affairs under these regulations. (EC481/98).

SUBDIVISION I THE AUTHORIZED REPRESENTATIVE

PEITF	The authorized representative for instructional personnel shall be the Prince Edward Island Teachers' Federation, so long as a majority of the instructional personnel employed in the province has authorized it to represent them for negotiation purposes. (EC481/98)
Other teacher organization may apply for declaration	(1) Where any other teacher organization claims to represent a majority of the instructional personnel employed in the province, it may, in accordance with subsections (2) or (3), apply to the Minister of Community and Cultural Affairs for a declaration that the teacher organization designated as the authorized representative no longer represents a majority of the instructional personnel employed in the province.
Time of application	(2) Where the collective agreement in force is for a term of one year, an application under subsection (1) may be made only after the beginning of the fourth month of its term and before the end of the fifth month of its term.
Idem	(3) Where the collective agreement in force is for a term of more than one year, an application under subsection (1) may be made only during the eighth and ninth months prior to the expiry of the collective agreement. (EC481/98)
Revocation of authorized representative	Where, in the opinion of the Minister of Community and Cultural Affairs the teacher organization designated as the authorized representative no longer represents a majority of the instructional personnel employed in

the province, the said Minister shall revoke the designation of that teacher organization as the authorized representative, but nothing in this section prevents the teacher organization from making application to be reinstated as the authorized representative. (EC481/98)

Application to be designated as authorized representative

Notwithstanding section 25, where the Minister of Community and Cultural Affairs has revoked the recognition of a teacher organization as the Authorized representative in accordance with section 27, any teacher organization may submit, at any time before the designation of a new authorized representative, an application to be designated as the authorized representative of the instructional personnel employed in the province. (EC481/98)

SUBDIVISION 2 THE TEACHER AGREEMENT

Preparation for negotiation

In preparation for the negotiation of a collective agreement, the parties shall

- (a) not later than six months (excluding July and August) before the expiry date of the current collective agreement meet to determine the data and information that each should make available to the other;
- (b) not later than four months (excluding July and August) before the expiry date of the current collective agreement, meet to present and analyse the data and information that each has collected in accordance with clause (a); and
- (c) prior to the commencement of formal negotiations, attempt to resolve as many issues as possible through mutual consultation. (EC481/98)

Notice to commence negotiations

(1) Within a period of three months and fourteen calendar days (excluding the months of July and August) preceding the expiry date of the collective agreement in force at the time either party may, by notice in writing, require the other party to commence formal negotiations with a view to the renewal or revision of a collective agreement or the adoption of a new collective agreement.

Consent to negotiate

(2) The parties to a collective agreement may negotiate at any time by mutual consent. (EC481/98)

Meet within 14 days

When one party has given notice under section 30, representatives of the parties shall meet, within 14 working days of the notice, and commence negotiations with a view to the renewal or revision of a collective agreement or the adoption of a new collective agreement. (EC481/98)

No discontinuance on grounds of improper notice

(1) Where the negotiations have commenced, neither party shall discontinue or withdraw from the negotiations on the ground that no notice, or improper or insufficient notice has been given under section 30.

Copy of notice to Minister

(2) Where a party has given notice under section 30, a copy of such notice shall be delivered to the Minister of Education and Early Childhood Development. (EC481/98)

Collective agreement remains in force	(1) A collective agreement adopted under this Part remains in force until a new collective agreement is adopted to replace it.
Minimum, maximum	(2) Every collective agreement adopted under the provisions of this Part shall have a minimum term of at least one year and a maximum term of not more than three years.
Retroactive provisions	(3) All provisions of a new teacher agreement with respect to salary, special allowances and supplementary financial benefits shall be retroactive to the day following the expiry date of the preceding teacher agreement. (EC481/98)
Appointment of conciliation officer	Where a notice to commence negotiations has been given under section 30 and (a) negotiations have not commenced within the time prescribed by section 31; (b) negotiations have commenced and continued for 45 calendar days, and either party requests the Minister of Community and Cultural Affairs in writing, to appoint a conciliation officer to confer with the parties to assist them in concluding a collective agreement or a renewal or revision thereof, and such request shall be accompanied by a statement of the difficulties that have been encountered before the commencement or in the course of negotiations; or (c) in any other case in which, in the opinion of the Minister of Community and Cultural Affairs, it is advisable to do so, the Minister of Community and Cultural Affairs shall, within 15 working days of receiving the request, appoint a conciliation officer to confer with the parties engaged or proposed to be engaged in negotiations. (EC481/98)
Duties of conciliation officer	(1) the conciliation officer appointed under section 34 shall inquire into the matters of dispute and endeavour to bring about agreement between the parties.
Report of conciliation officer	(2) The conciliation officer shall submit a report to the Minister of Community and Cultural Affairs (a) within 10 working days of a successful conclusion to the conciliation; or (b) where the parties fail to reach an agreement within 20 working days of the appointment of a conciliation officer, conciliation shall cease, and the report shall set out the matters agreed between the parties and those matters upon which the parties cannot reach agreement. (EC481/98)
Remuneration of conciliation officer	(1) The conciliation officer shall be paid such remuneration as the Minister of Community and Cultural Affairs determines, and it shall be shared equally between the Minister of Education and Early Childhood Development and the authorized representative.
Other Costs	(2) With the approval of the Minister of Community and Cultural Affairs, the conciliator may secure such secretarial and other services as may be necessary for the efficient carrying out of the duties of conciliator, with such

costs to be shared equally by the Minister of Education and Early Childhood Development and the authorized representative. (EC481/98)

Arbitration Board	Where the parties have not adopted a new or revised teacher agreement on the expiry date of the existing teacher agreement and (a) either party requests in writing, the appointment of an Arbitration Board; or (b) in the opinion of the Minister of Community and Cultural Affairs, an Arbitration Board should be established, the Minister of Community and Cultural Affairs shall give notice to the parties to name their appointees under section 38. (EC481/98)
Members of Arbitration Board	(1) An Arbitration Board shall be comprised of (a) a nominee of the Education Negotiating Agency; (b) a nominee of the authorized representative; and (c) a third member as chairperson to be appointed in accordance with this section.
Party appointees	(2) The parties shall name their nominees to the Arbitration Board within 30 days of notice by the Minister of Community and Cultural Affairs that an Arbitration Board will be appointed.
Failure to name appointee	(3) Where a party fails to name an nominee as required by subsection (2), the Minister of Community and Cultural Affairs shall appoint a person to the Arbitration Board to serve on behalf of that party.
Appointment of Arbitration Board	(4) The Minister of Community and Cultural Affairs shall appoint the the Arbitration Board members representing the parties, within 30 days of the notice given under section 37.
Chairperson	(5) The appointees representing the parties shall, within 30 days of their appointment, appoint a third person to act as chairperson.
Failure to agree on chairperson	(6) In the event that the appointees fail to agree on a chairperson as provided in subsection (5), either appointee may request that the Minister of Community and Cultural Affairs appoint a chairperson. (EC481/98)
Powers of Arbitration Board	(1) An Arbitration Board has the power (a) to hear and determine the matters in dispute between the parties to the collective agreement; (b) to administer oaths and affirmations; (c) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence and to produce documents.
Determines own procedure	(2) Except where otherwise provided in these regulations, an Arbitration Board may determine its own procedure respecting the hearing, and it shall give the parties the opportunity to be heard and to be represented by counsel and/or the authorized representative.

Matters to be dealt with by Board Arbitration	(3) The Board of Arbitration shall deal with matters not resolved through consultation, negotiation or conciliation; but it may, after consultation with the parties, consider previously resolved matters in order to arrive at its decision. (EC481/98)
Notice of hearing	(1) Within 10 working days of the appointment as chairperson, the chairperson of the Arbitration Board shall give notice to the parties of the date, time and place of the hearing, which shall be set for not more than 30 days after the appointment of the chairperson.
Quorum	(2) The chairperson and one other member of the Arbitration Board constitute a quorum and, in the case of the absence of any member from a meeting of the board, the other two members shall not proceed unless satisfied that the third member had been notified in ample time to permit the member's attendance.
Absent member	(3) Notwithstanding any other provision of these regulations, in the case of the absence of any member due to illness or other reasonable cause, the other two members shall not proceed until the absent member has returned or has been replaced.
Procedure	(4) The decision of the majority of the members of an Arbitration Board shall govern on questions of procedure, admissibility of evidence and other matters which arise during the hearing, but, lacking a majority decision, the decision of the chairperson shall govern. (EC481/98)
Considerations in making award	(1) The Arbitration Board shall make its award based upon a consideration of <ul style="list-style-type: none"> (a) the relationship of income and other benefits for teachers to those available to teachers in other Atlantic provinces, giving appropriate consideration to the varying provincial economic capacities, including available assistance from outside sources; (b) the trends and inter-relationship of pay and other factors within various professional and non-professional groups in both the private and public sectors; (c) the requirement to obtain and retain competent teachers within the school system; (d) the relationship between pay, professional qualifications and responsibility; (e) such other factors as may be relevant including conditions of work and fringe benefits.
Award within 20 days	(2) After making full inquiry, the Arbitration Board shall make an award, setting out its decision, within 20 working days of the hearing, as to the manner in which all matters in dispute between the parties shall be settled. (EC481/98)
Members sign award	(1) the award of the Arbitration Board shall be signed by the members concurring therein, and copies of the award shall be provided to the parties and to the Minister of Education and Early Childhood Development.

Majority award	(2) A decision of, or award of, a majority of the members shall be the decision of the board.
Minority report	(3) A member of the board may submit to the parties and to the Minister of Education and Early Childhood Development, a minority report.
Award binding	(4) An award of an Arbitration Board is binding upon all persons bound by the collective agreement and all such persons shall do or abstain from doing anything required of them by the award. (EC481/98)
Collective agreement after award	Within 30 working days of the date of an arbitration award, the parties shall prepare and sign a collective agreement embodying all matters settled in the award together with all matters previously agreed upon in negotiation or conciliation between the parties. (EC481/98)
Fees and expenses	Each party to the arbitration shall pay (a) the fees and expenses of its appointee; (b) one-half of the fees and expenses of the chairperson; and (c) one-half of the secretarial and other expenses necessary for the carrying out of the duties of the arbitration board. (EC481/98)
Variation of time	(1) Notwithstanding any other provision of these regulations, the parties to a hearing under this Part may, by mutual consent, waive, alter or vary the time required for doing anything or the coming into effect of anything under these regulations.
Technicalities	(2) No proceedings in these regulations shall be deemed invalid merely by reason of defect in form or a technical irregularity. (EC481/98)
Arbitration Act does not apply	The <i>Arbitration Act</i> , R.S.P.E.I. 1988, Cap. A-16 does not apply to an arbitration under these regulations. (EC481/98)