



## NOVA SCOTIA TEACHERS UNION

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# MEMORANDUM

**TO:** Public School Members

**FROM:** Member Services

**DATE:** December 18, 2015

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**SUBJECT:** Public Services Sustainability (2015) Act

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Bill 148 has now been passed at Third Reading in the House of Assembly and received Royal Assent by the Lieutenant Governor and is now the *Public Services Sustainability Act*. Section 30 of the Act states that

*“This Act comes into force on such day as the Governor in Council orders and declares by proclamation.”*

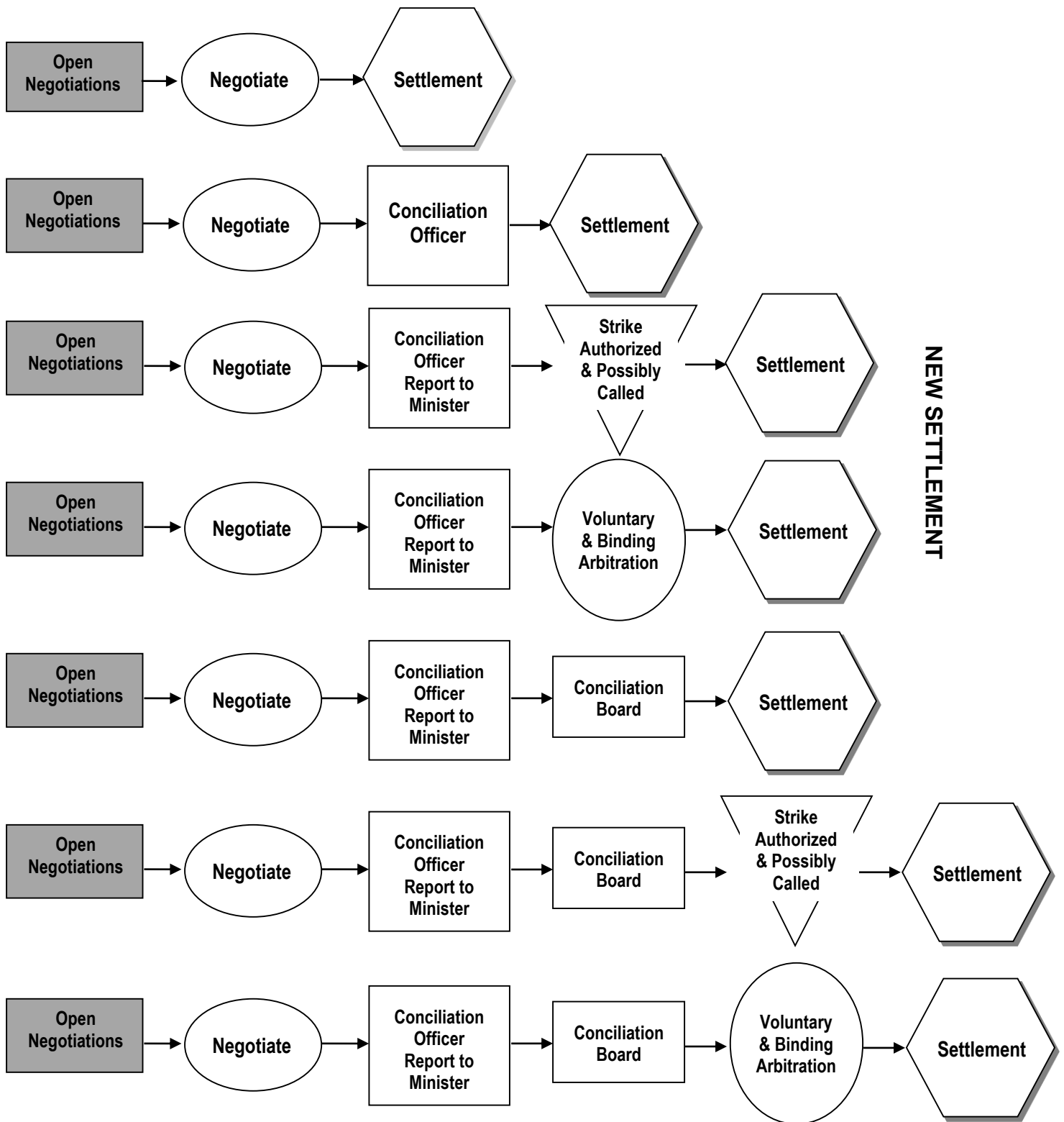
This Section gives Cabinet the authority to proclaim the Act. The Government has indicated that it does not intend to proclaim the *Public Services Sustainability (2015) Act* immediately but will wait until there is a need.

The *Public Services Sustainability Act* allows for negotiations to occur. The parties have agreed to return to the bargaining table to negotiate following our normal practices. Further information about the status of negotiations will be provided through Negotiations Bulletins as is our normal practice. The NSTU must be careful with regard to any actions undertaken while negotiations are ongoing.

The *Teachers’ Collective Bargaining Act* governs the collective bargaining process for public school teachers. There are a number of possible scenarios on how we move from negotiations to a new agreement. These scenarios are outlined in the attached flow chart.

Mediation is also allowed for under the *Teachers’ Collective Bargaining Act*. The appointment of a mediation officer is entirely at the discretion of the Minister of Labour and Advanced Education. If the Minister of Labour and Advanced Education believes that a mediation officer could help the parties achieve a settlement, then she may appoint a mediation officer.

**TEACHERS' COLLECTIVE BARGAINING ACT**  
**SOME POSSIBLE STAGES: FROM PRESENT AGREEMENT TO NEW SETTLEMENT**  
**Vote of Members before Settlement, Strike or Arbitration**



## Explanations

### **Conciliation Officer:**

A conciliation officer helps employers and unions reach a collective agreement, but has no authority to make decisions. The Conciliator

- assists the parties in resolving their outstanding issues
- promotes a climate of non-adversarial dispute resolution
- ensures that the process is managed fairly and that each party has every opportunity to express their point of view
- makes every effort to keep the discussion focused on the issues
- suggests ideas/options for the parties' consideration, but will not attempt to impose any settlement

### **Conciliation Board:**

A conciliation board requires each party to appoint a person to the board. The NSTU has not used a conciliation board in the past.

### **Voluntary & Binding Arbitration:**

Both parties must agree to voluntary & binding arbitration. With the passage of the *Public Services Sustainability (2015) Act*, an arbitrator cannot make a ruling on wages or service awards that is inconsistent with the language of the *Act*.

### **Strike:**

In the context of the *Teachers' Collective Bargaining Act*, a strike is any form of concerted job action. No strike can occur until after the conciliation officer files a report and then only after the appropriate timelines in the *Act* are completed. Any concerted job action prior to this would be considered an illegal strike.

Concerted job action would include Work to Rule. There have been a number of decisions that have affirmed that Work to Rule is considered a strike under the *Teachers' Collective Bargaining Act*.