

# Arbitration FAQs

## Q1 How did we arrive at arbitration as the dispute resolution method being selected in this round of negotiations?

In March 2017 prior to negotiations commencing, the elected Saskatchewan Teachers' Federation (STF) Executive selected "Route A" as the process to be followed should an impasse in negotiations occur. Route A refers to Section 239(1)(a) of *The Education Act, 1995* that allows either party to make a unilateral request for arbitration should they choose. After receiving a comprehensive report on the progress of provincial collective bargaining on January 20, 2018, the STF Executive passed a motion to apply to the Educational Relations Board (ERB) to authorize the establishment of an arbitration board to resolve the current impasse. The ERB determines the items in dispute and oversees the arbitration process. We are in arbitration because we were unable to reach an agreement at the bargaining table.

## Q2 What exactly is arbitration?

Arbitration is a quasi-legal dispute resolution process. Both the Government-Trustee Bargaining Committee (GTBC) and the Teachers' Bargaining Committee (TBC) appoint one person to an arbitration board. The two appointees will mutually agree upon a third party who will chair the arbitration board. If the two parties are unable to reach an agreement on who should be the chairperson, one will be appointed by the chairperson of the ERB. After hearing presentations from both committees, the arbitration board will determine the content of the new collective agreement.

## Q3 How is arbitration different from other dispute resolution processes we have used in the past?

Typically in arbitration, the arbitration board will carefully listen to the committee's presentations and then determine the outcome of the issues placed before it. The arbitration board is authorized to decide the resolution of the collective agreement issues that were placed before it. The decision of the arbitration board is final and binding. This is different from processes used in previous rounds where a third party attempts to bridge the differences between the bargaining committees resulting in either a resolution the parties willingly agree upon or the writing of a non-binding report.

## Q4 Why couldn't the two bargaining committees come to an agreement?

Following the provincial budget being tabled in March 2017, the provincial government embarked on an effort to achieve a 3.5 percent reduction in total compensation costs in each of the public sector bargaining agreements. This has made negotiations particularly challenging and very little progress has been made towards securing an agreement that would be acceptable to teachers despite spending 13 days in negotiations over the course of nine months. This, coupled with the refusal of the government to negotiate even non-monetary items of importance to teachers, led the STF Executive to request third-party intervention to conclude a collective agreement.

## Q5 How will the process of arbitration unfold?

The arbitration process typically involves comprehensive presentations from both of the bargaining committees over the course of several days. Once completed, the arbitration board then assesses the information and comes back with its decision regarding the resolution of the outstanding issues. The process is intended to occur in a timely way; however, a significant challenge will be in finding a highly respected arbitrator with calendar openings to participate in the process.

## Q6 What are the risks involved in entering into arbitration?

The arbitration board will determine the outcome of the issues placed before it and, therefore, the content of the next collective agreement. This may or may not be a resolution most preferable to one or either of the parties. Nonetheless, the determination of the outcome is in the hands of the arbitration board. Arbitration, therefore, is not to be entered into lightly and without careful thought and analysis, which the TBC and the STF Executive have done. The preparations for arbitration and data presented must be comprehensive, accurate, thorough and complete.

## Q7 Have the proposals from teachers been reasonable given our provincial context?

The proposals for teacher collective bargaining approved by representatives at the 2017 Annual Meeting of Council represent a set of comprehensive, yet realistic, collective workplace goals and aspirations. The monetary aspects of the proposals were approved with the current context in mind and the non-monetary aspects of the proposals were developed with the intent to provide teachers with greater safety, confidence and predictability in their workplace environments. The full set of proposals can be found at [www.stf.sk.ca/teaching-saskatchewan/collective-bargaining](http://www.stf.sk.ca/teaching-saskatchewan/collective-bargaining) when logged in to the Federation website.

