

Mediator's Recommendations for  
Settlement

Main Body & PSS

Received from T. G. Hodges  
June 23, 2008

## Background

The parties to the dispute have been in negotiations to renew a collective agreement which expired on August 31, 2007. Prior to my appointment as Mediator on March 7, 2008, the parties had met in direct negotiations over fourteen days. The parties also met with me in over ten mediation meetings and numerous unofficial meetings. Notwithstanding the significant progress made over these meetings the parties have been unable to conclude a settlement.

The parties remain at odds over very fundamental principles affecting their respective positions. Neither party is prepared to make the movement necessary to reach a settlement at this time. The possibility of entering the summer break without a settlement is increasing in probability. Returning to the bargaining table in September could result in significant negative impact for the approximately 4,000 employees affected by these negotiations. It would be irresponsible if I did not make every effort to effect a settlement. At this time, such efforts require that I make recommendations that I feel both parties can accept.

Such changes to positions are not easy to accept at this point. The negotiations have been overshadowed by the overall relationship between the parties. The association still holds a number of outstanding contract language issues to which the employer can not agree. The employer has suggested that these issues could be addressed during the proposed four year term of the agreement.

The association was seeking a two year agreement and is concerned over the lack of trust they have that the issues will be addressed. The concern is compounded by the reality that if the issues are not resolved, within a four year agreement, albeit that one of those years has already passed, it will be a considerable time before they can again be addressed at the bargaining table. With that in mind, I feel, a shorter term agreement is appropriate to consider.

Lack of trust is at the foundation of the gap between the parties. It is an issue which has been recognized and discussed extensively between the parties. In the mediation sessions that I have presided over it has prevented meaningful discussion and progress on a number of issues. There is no quick solution for lack of trust. No collective agreement provision will make up for it. It is often said that trust is hard to build but easily destroyed. Such is the case in these negotiations. Trust between employer and bargaining agent is essential to establishing the sense of value, respect and equality among employees. It facilitates the sense of job satisfaction that is necessary for employees to exert the discretionary effort which is essential to the success of the school system.

As a result, Chief Superintendent, Brendan J. Croskery, Calgary Board of Education, has recognized this gap and proposed, to the Staff Association, the creation of a "Task Force on the Working Relationship" (Task Force) outside of the collective bargaining process. The purpose of the task force is to support a more productive bargaining relationship. Unfortunately, this proposal and the Memorandum of Settlement presented to the Staff

Association dated May 28, 2008, have been insufficient to conclude a settlement at this point. The Staff Association is concerned that outstanding issues, referred to the Task Force will not be addressed. Establishing clearer time lines and responsibilities may serve to overcome the concerns of the Staff Association.

It is highly unlikely that increased work stoppages will serve to improve the working relationship between the parties or establish greater trust. Nor is it likely that the wages lost in a strike will be recovered. However, agreeing to a settlement which focuses on improving the relationship over the short term may ultimately prove to be of greater value to all involved.

With that in mind, these recommendations are submitted to the parties. The recommendations are not intended to reflect positions of either party. They are proposed as fair and reasonable terms which provide an opportunity for settlement and reconciliation of a working relationship that is of the utmost importance and benefit to all concerned. I encourage both parties to give serious consideration to these recommendations and make their best efforts to obtain ratification.

### Recommendations

1) The term of the collective agreement as set out in the proposed settlement of May 28, 2008 is to be amended to indicate a three year term from September 1, 2007 to August 31, 2010. All other related provisions relating to the term are to be amended accordingly.

2) Issues outstanding relating to:

- Salary Administration
- Job Postings
- Job Evaluations
- Hours of Work
- Layoff and Recall

Are to be addressed through the Task Force proposed in Chief Superintendent, Brendan J. Croskery's letter of May 28, 2008.

3) The Chief Superintendent will convene the initial meeting proposed in his letter within 14 days of ratification of a settlement. The purpose of the initial meeting will be to:

- Establish terms of reference
- Prioritize issues to be address
- Establish a action plan for future meetings
- Define information and data needs
- Set time lines and agendas necessary to meet the established reporting date of December 15, 2008.

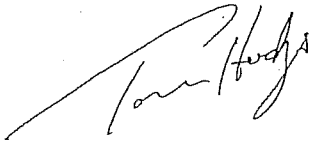
4) Issues that are not addressed in the foregoing recommendations will be resolved as:

- Set out in the proposed settlement of May 28, 2008
- Previously agreed by the parties
- Set out in the current collective agreement

5) I reserve jurisdiction of this matter pursuant to the provisions of Section 67 of the Labour Relations Code.

6) The parties will indicate their acceptance of these recommendations by June 27, 2008.

All of which is respectfully submitted for your consideration.

A handwritten signature in black ink, appearing to read "Tom Hodges". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Tom Hodges  
Mediator