



# Information

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## New collective agreement signed

After the members ratified the collective agreement with a 68% vote in favour, the new agreement was signed in Fredericton on October 19.

Copies of the agreement are expected to be available in the new year, but in the meantime, you can view a copy of the agreement at [cupe.nb.ca/1253](http://cupe.nb.ca/1253)



Signing the new agreement: (l to r) Education Minister Kelly Lamrock; CUPE 1253 President Delalene Harris Foran; Minister of Human Resources, Hédard Albert; CUPE representative Ginette Kervin; Finance Minister, Victor Boudreau

## Court overturns designation decision

Despite previous decisions that school employees were not essential to the health, safety and security of the public, the Labour and Employment Board (LEB) ruled in 2005 that if custodians were to strike, the schools would become unhealthy, and therefore a large number of custodians should be designated as essential. The union appealed the decision to the Court of appeal. A hearing was held in June and the decision was released on October 19, on the same day the union and government were signing a new collective agreement.

### Court says Labour and Employment Board was wrong

In its decision, the Court ruled that the Labour and Employment Board had not considered the question of a strike by school staff properly. The Honourable Justice J. T. Robertson, speaking for the Court, said that the LEB made a mistake in assuming that schools must remain open in the event of a strike:

*"Realistically speaking, if school custodians were to strike, it is more likely than not that schools would ultimately close. Furthermore, common sense would lead one to conclude that such closures could occur without impacting on the health of*

*those directly affected: students, staff and teachers. This is the conclusion reached by the Board in [a 1981] decision. In my view, its logic is as sound today as it was over 25 years ago. . . . It has not escaped me that if we were to accept the Board's premise that schools must remain open, because of the right of children to obtain an education, then the right of teachers to strike would be nullified. Yet, it is well known that teachers do not provide an essential service within the meaning of s. 43.1 of the Public Service Relations Act and, therefore; they retain the right to strike that is provided for under the Act. Recall that an essential service is defined as one that is essential in the interest of the "health, safety or security of the public".*

Council President Delalene Harris Foran noted that the decision of the Court came after a new collective agreement had been recently negotiated. "Even with that matter up in the air, we were able to reach a collective agreement this time without going to conciliation, and without even having a strike vote, for the first time in many, many rounds of bargaining. That's the way it should be. There has to be a balance to encourage the parties to reach an agreement, and this decision restores that balance for future rounds of bargaining."

A full copy of the decision is available at [cupe.nb.ca/1253](http://cupe.nb.ca/1253)

## Pension Plan for Part-time Employees

### A deal you can't refuse - check it out!

If you are a part-time employee, take a serious look at enrolling in the part-time pension plan. Can't afford it, you say? When you take a closer look, you'll agree - you can't afford to *not* join!

You can contribute 2%, 3.25% or 4.5% of your salary, and the employer contributes a matching amount. So right away, your savings are doubled!

Of course, the plan itself is not perfect, it's a "defined contribution" plan and the account is subject to the ups and downs of the market. The full-time pension plan is a "defined benefit" plan which has a predictable, defined amount due on retirement.

Also note that if you later become full-time, you can transfer your part-time pension to the full-time pension plan.

For more information on your pension plan, contact the Human Resources office of your school district.