

Rules of Procedure Part II - Bargaining - Agreement Matters

made under subsection 4(10) of the
Primary Forest Products Marketing Act
R.S.N.S. 1989, c. 355
(June 11, 1976, effective July 1, 1994), N.S. Reg. 20/94

1 When an association makes application to be registered by the Board as a bargaining agent, the association shall submit to the Board its application together with

- (a) its name and address, the names and addresses of its officers, and the name and address of the person to whom the Board will submit its decision; and
- (b) an appropriate identification of the group or groups of producers or buyers for which it seeks to be registered as bargaining agent; and
- (c) an appropriate identification of the group or groups of producers or buyers with which it seeks to bargain; and
- (d) prima facie evidence satisfactory to the Board documenting that it has the support of the group or groups set forth in (b) to have it as its or their bargaining agent; and
- (e) prima facie evidence satisfactory to the Board that it is an appropriate body to bargain for the group or groups set forth in (b); and
- (f) a copy of its written constitution, rules or by-laws setting forth its objectives and purposes and defining the conditions under which persons may be admitted as members thereof and continue in such membership.

2 When the Board has an application for registration as a bargaining agent, and when the Board has satisfied itself that all necessary documentation has been submitted by the applicant; and when the Board has notified by registered mail all persons that the Board considers directly interested in the application of the time and place of a public hearing, and when the Board has given public notice of the time and place of a public hearing, the Board shall hold a public hearing at the said time and place.

3 When the Board has completed the public hearing as set forth in Rule 2 above, the Board shall

- (a) decide whether or not to register the association as bargaining agent as set forth in the application or any amendments made by the applicant thereto; and
- (b) send to all parties directly interested therein a copy of its decision in writing.

4 When the Board has registered an association as a bargaining agent, the Board shall register such association without term.

5 When the Board has registered an association as bargaining agent, the Board shall direct the Chief Executive Officer of the Board to issue to the association a certificate of registration.

6 The Secretary-Treasurer shall keep a register of associations registered as bargaining agents together with essential information concerning each registration.

When an association registered as a bargaining agent applies for a declaration that a bargaining situation exists between itself and another person or persons or another bargaining agent, hereinafter in Rule 7 referred to as the other party, the association shall submit to the Board

- (a) its application in writing;

- (b) an appropriate identification of the other party that it proposes to bargain with;
- (c) a tentative list of issues with respect to which it proposes to bargain; and
- (d) some evidence or information that a bargaining situation exists between itself and the other party.

7 (1) When an association registered as bargaining agent makes application for a declaration that a bargaining situation exists, and when a collective agreement between the association and the other party does not exist, and when the Board has notified the other party concerning the application and has given the other party an opportunity to be heard, and when the Board is satisfied that a bargaining situation exists, the Board shall make a declaration to that effect.

(2) When a collective agreement exists between the two parties referred to in Rule 7(1) above, the Board shall not consider an application for a declaration that a bargaining situation exists between the two parties until after the current collective agreement between the two parties has two months or less to expiry.

8 Parties commencing collective bargaining under the provisions of the Act shall each inform the Board within five days of the date on which they commenced collective bargaining with each other.

9 When the Board receives information setting forth the date when the parties commenced collective bargaining, the Board shall inform the parties that it is aware of the commencement of collective bargaining and of the date thereof.

10 When a party makes application to the Board for a declaration of a deadlock, the party shall present therewith information relating to the issues on which it has been unable to reach agreement with the other party.

11 When the Board requests from a party information regarding the state of negotiations, the party shall submit the information requested within eight days.

12 When a party makes application to the Board for a declaration of deadlock and has submitted a list of the issues on which it has been unable to reach agreement with the other party, the Board shall submit the information in this regard to the other party and shall give that party an opportunity to be heard with respect thereto.

13 When a party to the negotiations makes application to the Board for the Board to mediate the dispute, the party shall present therewith the details of the issues agreed upon or tentatively agreed upon by the parties and the details of the last offer or position on any of the issues still in dispute between the parties.

14 When the Board receives an application for mediation by the Board together with the details referred to in Rule 13 above, the Board shall inform all interested parties of the application and said details.

15 In acting as a mediator, the Board may, in addition to the provisions of Section 14 of the Primary Forest Products Marketing Act, request each interested party to the bargaining situation to submit a written or oral report setting forth

- (a) the causes of the dispute under mediation; and
- (b) representations supportive of the party's position in the dispute,

and the parties shall each submit any such requested report within the time specified by the Board.

16 (1) When the Board has acted as the mediator of a dispute and has made a written report to the parties to the dispute, the parties shall each submit, in writing, acknowledgement of receipt of the report.

(2) If the written report of the Board referred to in Rule 16(1) above included recommended terms of settlement, the parties, after acknowledging receipt of the report, shall indicate to the Board in writing within the time specified by the Board whether that party accepts or rejects the said recommended terms of settlement.

17 The Board may file any written report made pursuant to Rule 16 above with the Minister of Natural Resources.

18 When a party to a collective agreement makes a complaint to the Board that the other party to a collective agreement has failed to comply with the terms thereof, the party shall set forth in writing the alleged acts of commission or omission that form the basis of the complaint.

19 When the Board receives a complaint from a party to a collective agreement, the Board shall send a copy of the complaint to the other party and inform the party making the complaint of the Board's action in this regard.

20 When a party to a collective agreement receives from the Board a copy of the complaint from the other party to the Agreement, the Board may, in addition to any other powers given to it pursuant to Section 16 of the Primary Forest Products Marketing Act, require that party to submit to the Board within seven (7) days a report setting forth its response to the complaint.

21 On any hearing held by the Board, the Board shall determine its own procedure and give an opportunity to all parties to present evidence and make representations.

22 On any application sent to the Board, the Board, in carrying out any of its functions under the Primary Forest Products Marketing Act, may treat any accompanying documentation or information as being submitted to it on a confidential basis.

23 These Rules of Procedures - Part II may be amended by the Board at any meeting of the Board.