



Administrative Procedure 5020

Collective Bargaining – Employee Participation

Board Governance Policy Cross Reference: [1](#), [4](#), [9](#), [12](#), [15](#)

Administrative Procedures Cross Reference:

Form Cross Reference:

Legal/Regulatory Reference:

[The Labour Relations Act](#)

[Manitoba Labour Relations Board](#)

Date Adopted: November 2005

Amended: September 2019

Brandon School Division recognizes that collective bargaining plays a critical role in shaping our work environment, and encourages its employees to feel free to bargain collectively to assist in determining the terms and conditions of their employment. The Division will neither act nor enact administrative procedure which serves to restrain the exercise of this right by employees of the Division and will make every effort to bargain in good faith in all matters with its employees.

Statutory Provision

In reference to [The Labour Relations Act](#):

- 5(1) Every employee has the right:
- (a) to be a member of a union;
 - (b) to participate in the activities of a union.

Definitions

- **Collective Bargaining** - a process by which workers acting as a group and represented by a self-chosen representative or professional association negotiate for the terms and conditions of their employment.
- **Good Faith** - the duty of bargaining parties to meet with the honest intention of concluding a collective agreement between them.

Guidelines

Employees of the Division are free to bargain collectively for the terms and conditions of their employment. This right extends to the freedom to select the parties that will represent them in the bargaining process.

Division Commitment

The Division will make every effort to ensure that the bargaining process with its employees is performed in an honest and good faith manner.

At no time will the Division, in any way, shape, or form, penalize any employee who chooses to participate in the collective bargaining process.

Exceptions

Activities related to preparation for collective bargaining, such as strategy meetings and other group or individual-based employee meetings, must not take place during the regular hours of work, unless expressly permitted by the Division, or if these activities are performed by an individual to whom the [Manitoba Labour Relations Board](#) has issued a permit under section 21(2) of the Act.

In accordance with labour legislation, the Division will refrain from locking employees out during the lifetime of a collective agreement. In turn, employees of the Division should refrain from any strikes or other work stoppages during the lifetime of the collective agreement.

In doing so, every effort shall be made to conduct negotiations between the parties at such times that employees will be able to fulfill their job responsibilities and relief workers will not be required.

The Division may, upon the recommendation of its Negotiations Committee, agree that negotiations take place during employees' regular working hours with the cost of replacement workers to be borne by the Division, unless otherwise agreed upon by the parties.