Feb 25, 2016

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: HRS-02-2016].

On Jan 28, 2016, the Human Resource Secretariat (HRS) received, via transfers from the Department of Finance, Cabinet Secretariat and the Premier’s Office, your request for access to the following records/information:

“All correspondence and records related to public sector collective agreements and unions following the announcement of 30% reduction to departments.”

You were able to clarify that the timeframe for the request was from Jan 20, 2016 up to the date of receipt by the HRS (Jan 28, 2016). As well, you indicated that the correspondence/records related to public sector collective agreements and unions should be regarding the 30% reduction to departments.

I am pleased to inform you that a decision has been made by the Deputy Minister for the Human Resource Secretariat to provide access to some of the requested information and the appropriate copies have been enclosed.

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal
   (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

35. (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose
   (f) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the government of the province or a public body, or considerations which relate to those negotiations;

38. (1) The head of a public body may refuse to disclose to an applicant information that would reveal
(a) labour relations information of the public body as an employer that is prepared or supplied, implicitly or explicitly, in confidence, and is treated consistently as confidential information by the public body as an employer; or
(b) labour relations information the disclosure of which could reasonably be expected to
   (i) harm the competitive position of the public body as an employer or interfere with
       the negotiating position of the public body as an employer,

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8

Telephone: (709) 729-6309; Toll-Free: 1-877-729-6309; Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement’s website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone 709-729-3387 or by e-mail at jeanmyrick@gov.nl.ca.

Sincerely,

Jean Myrick
ATIPP Coordinator
Access or correction complaint
42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days
   (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
   (b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to
   (a) a request that is disregarded under section 21;
   (b) a decision respecting an extension of time under section 23;
   (c) a variation of a procedure under section 24; or
   (d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant
52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days
   (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
   (b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).
January 20, 2016

Mr. Dwight Ball  
Premier  
Province of Newfoundland and Labrador  
Confederation Building  
St. John’s NL A1B 4J6

Dear Mr. Ball:

Given the current fiscal situation of the province, the upcoming round of public sector bargaining, and recent comments made by your Finance Minister, Cathy Bennett, regarding an apparent step back from your personal assurances to public sector workers that your government would not resort to layoffs, I am requesting a meeting at your earliest convenience.

I look forward to hearing from you on this request.

Sincerely,

[Signature]

Jerry Earle  
PRESIDENT
Meeting Note  
Newfoundland and Labrador Association of Public and Private Employees (NAPE)  
February, 2016  
Premier's Boardroom

Attendees:

- Premier Ball, Government of Newfoundland and Labrador  
- Calvin Parsons, Chief of Staff  
- Jerry Earle, President, Newfoundland and Labrador Association of Public and Private Employees (NAPE)  
- Julia Mullaey, Clerk of Executive Council  
- Bruce Cooper, Deputy Minister HRS

Purpose of Meeting:

- Jerry Earle, President of NAPE requested a meeting with Premier Ball.  
- The meeting with the Premier was requested by Mr. Earle on January 20th, 2016.  
- The meeting request stated that the purpose of the meeting is to discuss the current fiscal position of the province, the upcoming round of public sector bargaining, and the comments made by Minister Bennett in the media as it relates to alleged personal assurances to public sector workers of no layoffs.

Background:

- Newfoundland and Labrador Association of Public and Private Employees (NAPE) is the largest public sector union in the province, representing approximately 20,000 unionized employees across all sectors.  
- NAPE has a total of 16 provincial collective agreements with Government of Newfoundland Labrador (GNL) covering unionized employees in areas such as Hospital Support, Laboratory and X-Ray, Health Professionals, Marine Services, General Service, Group Homes, Air Services, Support Staff at CNA, Maintenance and Operations Services (MOS), Student Assistants, Newfoundland Liquor Corporation, and WHSCC.  
- NAPE is the lead negotiator for other represented unions with respect to the negotiation of the Labrador Benefits Agreement. For employees who qualify, the Labrador Benefits Agreement provides a living and travel allowances for employees residing and working in Labrador.
• The Labrador Benefits Agreement has been expired since March 2013.

• On March 31, 2016 11 provincial collective agreements with NAPE are due to expire.

• The Correctional Officers group expired on October 31, 2015.

• With respect to the 11 provincial collective agreements expiring March 31, 2016, NAPE has not officially served notice to bargain.

• While public sector collective agreements with other unions such as CUPE, RNUNL and AAHP also expire in 2016,

• From a historical perspective NAPE engaged in strike action in 2004 over Government's proposal to reduce sick leave accumulation from 2 days per month to 1 day per month for newly hired employees. After 27 days on strike GNL introduced back to work legislation which legislated terms and conditions of employment including the introduction of the aforementioned provisions regarding sick leave reduction for new hires.

• Negotiated collective agreements were reached with NAPE in the 2008 and 2012 rounds of collective bargaining. The 2008 round of collective bargaining resulting in a 4 year collective agreement with GEIs of 8%, 4%, 4% and 4%. The 2012 round of bargaining resulted in GEIs in the last 2 years of a four year collective agreement of 2% and 3% coupled with a $1400 signing bonus and significant increases to the shift differential premiums.

• Only NAPE and CUPE agreements are due to expire in March 2016.

• According to the Public Service Collective Bargaining Act (PSCBA) and the provisions of existing collective agreements, NAPE has until March 1st, to serve written notice to bargain to GNL for those agreements expiring on March 31st, 2016.

• The PSCBA and the provisions of the existing collective agreements state that notice to bargain can be served by either party to the agreement.

• NAPE has not served notice to bargaining to date.
The next four pages have been removed per s.29(1)(a); 35(1)(f); 38(1)(a); 38(1)(b)(i)