

College Faculty 2017 Bargaining FAQ

1. How are bargaining demands created?

Demands were generated through local demand set meetings held at all 24 faculty locals. Each local then sent their top ten demands to the bargaining team so they could be included in the provincial demand set book.

Each academic local sent delegates to the provincial demand set meeting, held on March 4 and 5, 2017, in Toronto. In the past, individual bargaining demands passed at one of the 24 local demand-set meetings would be brought to the floor at the provincial meeting. However, this year the bargaining team took a different approach in order to focus our demands and ensure that all faculty groups are represented. The team aggregated all of the local demands received into 10 global demands, three demands that address the issues of librarians and counselors, and three demands that address the issues of partial load faculty

Delegates at the provincial meeting then chose to move and debate the bargaining team demands. All 16 of these demands were passed by the delegates at the meeting. These demands are the initial demands set by the provincial CAAT-A bargaining team and may be altered as bargaining progresses.

2. What are our top demands?

Coming out of the provincial demand set meeting, the global demands were:

1. Establish academic freedom and collegial governance.
2. Improve the salary grids and wages to better our position in relation to our comparator groups and to account for inflation.
3. Improve job security, complement, and layoff language.
4. Improve workload factors to provide adequate time for academic work.
5. Prevent the contracting out, privatization, or outsourcing of faculty work in whole or in part.
6. Improve workload language to ensure that all faculty work is recorded on the SWF and that volunteerism is eliminated

7. Strengthen intellectual property rights.
8. Improved benefit coverage for all faculty.
9. Improve language for replacement and consideration.
10. Strengthen language to improve union representation of members working inside and outside the Province of Ontario

Demands for counselors and librarians included a workload formula, workload and caseload limits for counsellors and creating a ratio of librarians and counsellors to number of students.

The top demands for partial load were for greater job security and parity in workload calculation between full time and partial load and to record and compensate total partial-load workload.

3. How are demands turned into contract language?

From April to June the bargaining team puts the demands passed at provincial demand setting into contract language. They do this by linking demands to the current Collective Agreement (CA) language and looking at language proposed in previous rounds of bargaining and contained in other faculty CAs. The team attempts to express the intent of demands in language that is clear, concise, and legally sound. Consultation with OPSEU legal counsel, the OPSEU research department and with the Canadian Association of University Teachers is an important part of this process.

4. When does bargaining start?

Article 36-Duration of Collective Agreement and the Colleges Collective Bargaining Act (CCBA) dictates the timelines for bargaining. Either party to a collective agreement may give written notice to the other party, within the period of 90 days before the agreement expires, of its desire to negotiate with the view to the renewal, with or without modification, of the agreement then in operation [from CCBA-2008, c. 15, s. 3 (2)]. The current CA expires on September 30. As Monday, July 3 is a holiday, July 4 is the first day that formal bargaining may begin.

The parties shall meet within 30 days after the giving of the notice under section 3, and shall negotiate in good faith and make every reasonable effort to make a collective agreement or to renew the collective agreement, as the case requires. [from CCBA-2008, c. 15, s. 4.]

5. What is the bargaining process?

The faculty and employer bargaining teams will agree on dates to bargain during the 90 day period. At the first meeting each side presents their bargaining package, with non-monetary items generally presented and discussed first. The teams continue to meet on agreed-on dates until either an agreement is reached or bargaining breaks down.

During bargaining, agreed-on items are decided and taken off the table. Items with no agreement are further clarified, with evidence and data provided by both sides to substantiate their positions. Throughout this process the faculty bargaining team is supported by an OPSEU negotiator, researcher, communications officer, and legal experts.

As bargaining progresses the faculty team will send out regular communications to members about the key issues on the table and the progress of negotiations. The CAAT-A Divisional Executive (DivEx) will also remain active throughout, and will help the bargaining team with member communications.

6. How is an agreement reached?

At any time during the bargaining process the parties can reach a tentative agreement. If the team feels like there is a suitable agreement, they will consult with two groups – the local presidents and the Bargaining Advisory Committee (BAC). All 24 local presidents are part of the first consultative group, and they will all have the ability to give feedback on the proposed contract. In addition, the 24 elected members of the BAC and eight appointed partial load members will be able to see the full language of any proposed agreement.

The bargaining team alone will make the final decision on any settlement and the team may accept or reject the feedback from the BAC or Presidents. If the CAAT-A bargaining team recommends acceptance of a negotiated tentative agreement, a ratification vote is held for members to accept or decline the agreement. This vote can be at any time when requested by the CAAT-A bargaining team, and is scheduled by the Ontario Labour Relations Board.

7. What happens if bargaining stalls?

Strike Vote

If the parties have not yet reached an agreement, the CAAT-A bargaining team can call for a strike vote. This can happen either before or after the CA expires. A vote 'yes' to strike does not necessarily mean there will be a strike; however, a 'yes' vote increases the pressure on the employer to negotiate a fair settlement.

Conciliation

Conciliation is a process by which a trade union or an employer can ask the Ontario Ministry of Labour for help in resolving their differences so that they can reach a collective agreement. Either party may apply to the ministry. If parties are in negotiations, they must use the government's conciliation services before they can get into a position to engage in a strike or lock-out. The conciliation officer informs the Ontario Minister of Labour that a collective agreement was unable to be effected. The Minister would then generally issue a notice informing the union and the employer that he or she "does not consider it advisable to appoint a conciliation board" [section 21(b) of the *Labour Relations Act-LRA*]. This notice is known colloquially as the "no board" report.

Final Offer Vote

The Council may, no earlier than 15 days before the expiry of a collective agreement, make a request in writing to the Ontario Labour Relations Board that a vote of the employees be taken to accept or reject the offer of the Council last received by the employee organization in respect of all matters remaining in dispute between the parties to the collective agreement. [CCBA-2008, c. 15, s. 17 (2)]

Only one request may be made under subsection (2). [CCBA-2008, c. 15, s. 17 (3)] The earliest it can happen is 15 days before the expiry of the CA, which would be September 15, 2017.

Where a request is made by the Council, a vote by secret ballot by the members of the bargaining unit shall be conducted under the supervision of and in the manner determined by the Ontario Labour Relations Board. [CCBA-2008, c. 15, s. 17 (4)]

The union cannot call a formal offer vote (only a ratification or strike vote as noted above).

Imposed Terms and Conditions

The CCBA allows the employer to impose terms and conditions of work where the CA has expired, where there has been a "no board" report filed by the Conciliator to the Minister of Labour, and where a minimum of 16 days have passed since the filing of the report. The terms could include anything. This action bypasses the bargaining table.

8. When can a strike or lockout be called?

A strike can be called only after:

1. there is no collective agreement in operation between the Council and the employee organization that represents the employee;
2. a conciliation officer has made a report to the Minister of Labour under clause 7 (3) (b) to the effect that, despite his or her efforts, the terms of a collective agreement have not been settled and the Minister has informed the parties of the report by notice in writing in accordance with subsection 7 (4);
3. the members of the bargaining unit have voted in favour of a strike by a vote by secret ballot conducted under the supervision of and in the manner determined by the Ontario Labour Relations Board;
4. after a vote in favour of a strike in accordance with clause (c), the employee organization that represents the employee gives the Council and the employer written notice of the strike and of the date on which the strike will commence at least five days before the commencement of the strike; and
5. 16 days have elapsed after the date on the Minister's notice referred to in clause (b). [CCBA-2008, c. 15, s. 17 (1)]

It is important to note that a tentative agreement can still be reached at any point during this process.

It is also important to stress that the bargaining team never calls a strike lightly. It is only used when all other avenues for negotiation have failed and when the issues at stake are of sufficient importance.

Strike Deadline

Where there has been a 'yes' to a strike vote the union has the authority to set a strike deadline with 5 days' notice to the employer. A strike deadline further increases pressure on the employer to reach a fair agreement.

Lockout

There has never been a lockout at Ontario colleges.

The Council can only lock out employees if,

- a) there is no collective agreement in operation between the Council and the employee organization that represents the employees;
- (b) a conciliation officer has made a report to the Minister of Labour under clause 7 (3) (b) to the effect that, despite his or her efforts, the terms of a collective agreement have not been settled and the Minister has informed the parties of the report by notice in writing in accordance with subsection 7 (4);
- (c) the Council on behalf of all employers gives the employee organization that represents the employees written notice of the lock-out and of the date on which the lock-out will commence at least five days before the commencement of the lock-out; and
- d) 16 days have elapsed after the date on the Minister's notice referred to in clause (b). [CCBA-2008, c. 15, s. 21 (1)]

9. What happens if there is a strike?

After a successful strike vote is taken, each local will begin strike preparations. In the event a strike is called, each local will enact their strike plan.

As a member on strike you stop working, support the picket line and other strike activity, and keep up on communications from the bargaining team. It will also be important to do your best to answer the questions that family, friends, students and others will direct to you about the cause of the strike, about the issues that are important to you, and about our desire to resolve it quickly and obtain a fair agreement.

10. How many times have college faculty been on strike?

In 50 years there have been only three faculty strikes, in 1984, 1989, and 2006.

11. How long will a strike last?

The length of any strike is difficult to predict but in the past no strike by college faculty has lasted longer than three weeks.

12. Have faculty gained anything from striking?

Yes. Each time faculty have struck they have made important gains that have clearly improved working conditions and the quality of college education.

In 1984, after being legislated back to work and having outstanding issues referred to arbitration, faculty won the Workload Formula and the Standard Workload Form (SWF). Before the SWF full-time faculty could be assigned up to 26 teaching contact hours (TCH) each semester.

In the 1989 strike, the parties agreed to refer matters to arbitration and faculty defended against management's attempt to remove the SWF, won more time for complementary functions, and won comprehensive layoff protection language.

In the 2006 strike, again after agreeing to refer outstanding issues to arbitration, faculty made significant gains in salary that put us closer to the mid-range of our comparator groups (high school teachers and university faculty), as well as expanded benefits for partial load professors.

13. Will I receive strike pay?

All faculty who are OPSEU members in good standing (have signed a union card), and who participate in picketing, are eligible to receive strike pay. The amount of strike pay given by OPSEU follows:

During weeks one to three, each member is entitled to strike pay of \$200 per week plus an additional \$50 per week per dependant. The daily rate is \$40 per day and \$10 per day per dependant.

During the fourth week, strike pay increases and each member is entitled to \$300 per week, or \$60 per day. Dependant pay remains the same at \$50 per week per dependant. A dependant is defined as:

- a non-income-earning spouse (excluding a spouse on strike);
- a child under 18 (or under 26 if attending school full-time) or a dependent child as defined by the collective agreement or benefit plan;
- a disabled family member; or
- an elderly family member who normally receives financial support from the striking member.

If both spouses are on strike, both may claim the dependants.

In addition to what OPSEU gives to members for strike pay, your local may also give a weekly top-up amount. To find out about local strike pay, contact your Local Executive.

14. Will partial load faculty receive strike pay?

Yes, if the partial load faculty is a member in good standing (has signed a union card) and participates in picketing and/or strike duties, they will receive strike pay at the rates mentioned above.

15. When is the bargaining process completed?

When the membership has voted to ratify a tentative agreement (reached through bargaining between the parties), the membership has voted to accept the employer's offer. The CCBA does not give access for interest arbitration to the parties during bargaining. Both parties can consent to voluntary interest arbitration on any issue as was done during the strikes of 1984, 1989 and 2006.

A new collective agreement is in place and bargaining is concluded until the next round.

GLOSSARY

CA = collective agreement

CAAT-A = Colleges of Applied Arts and Technology—Academic (professors, instructors, librarians and counsellors)

The Council = The College Employer Council, or the employer. They bargain on behalf of management.

For information on bargaining, please visit:

www.collegefaculty.org

or contact the CAAT-A bargaining team at:

bargaining2017@gmail.com