

Contract Update

A Newsletter from the Colleges' Bargaining Team

Issue 12– January 11, 2010

Strike Vote and Bargaining - Questions and Answers

1. What are faculty voting on at the strike vote?

- The ballot choice is clear: "I am in favour of a strike." or "I am not in favour of a strike."
- It is important that our faculty be aware that a successful strike vote puts the union in a position to take the faculty out on strike.
- A strike will harm our students by trying to limit their ability to complete the academic year.

2. Does a strike vote mean that there will be a strike?

- If faculty vote in favour of a strike, then, in all likelihood, there will be a strike, as the colleges can't agree to the union's settlement position.
- A strike mandate will not give the colleges more money or flexibility to reach a settlement.
- Our faculty will have to make up their own minds about what is in their own and their students' best interests.

3. What would happen if a majority of faculty votes against the strike?

- If the majority of faculty vote against a strike, it is highly likely that a collective agreement can be negotiated quickly based on the new terms and conditions of employment that were introduced in November.

4. Will the management team attempt to reopen negotiations?

- Yes, the colleges want to negotiate a collective agreement as soon as possible and normalize the current situation.

5. Is it the intent of the management team to eventually negotiate a settlement?

- Yes, we have always intended to reach a negotiated settlement.
- The purpose of implementing the new terms and conditions was to demonstrate to the union where a settlement could occur and have them negotiate to that point. To date, the union has refused to do that and continues to have demands on the table that are not affordable.

6. Isn't the strike vote only intended to strengthen the union's position at the bargaining table?

- No. A strike mandate will not change the fundamental reality, which is that a deal has to be fair, affordable and practical.
- A strike mandate will not give the colleges more money or flexibility to reach a settlement.
- The colleges believe that a strike mandate will be used by the union to take its members out on strike.

7. Why did the colleges introduce new terms and conditions before settling with the union?

- The parties had been bargaining for five months, the contract had expired and no settlement was in sight. It was hoped that by setting a deadline the union would modify its position and resolve a collective agreement based on the colleges' best offer.
- By introducing the terms and conditions, the colleges have been clear about where a possible settlement is when a collective agreement is negotiated.
- The contract introduced to faculty represents the best the colleges could offer. It provides modest improvements to both salary and workload arrangements that are meant to benefit faculty and students.
- The contract does not seek any concessions and does not take away any faculty member's rights. If the faculty vote against the strike a collective agreement should be able to be negotiated quickly based on the new terms and conditions of employment that were introduced in November.
- The colleges are committed to providing salary, benefits and a work environment that continue to attract and retain the very best faculty.

8. What is included in the colleges' new terms and conditions?

- The new terms and conditions increase salaries by approximately eight per cent over four years (1.75 per cent, 1.75 per cent, two per cent and two per cent in each of those years) retroactive to September 1, 2009. The new maximum salary will be \$103,975 by September 1, 2012.
- The colleges also introduced workload improvements based on the four recommendations of the Joint Workload Taskforce.
 - Faculty will be given greater participation in the establishment of evaluation methods.
 - Faculty with large numbers of students to teach will be given further time or other types of assistance when providing out-of-class assistance to students.
 - Modified methods of workload assignment will be allowed, as developed by the faculty and their supervisor, but only if agreed to by the faculty.
 - Professional development opportunities have also been improved.
- We did not seek any concessions from our faculty; we introduced modest improvements.

9. If there continues to be no settlement how long will the terms and conditions remain in effect?

- The terms and conditions, which apply to faculty, will continue until a settlement is reached.

10. Will the colleges consider binding arbitration if there is no settlement?

- The new Act, which governs collective bargaining for the colleges, removed the provisions that provided for binding arbitration.
- The Chair of the Labour Board, who recommended the changes, said the parties have relied too much on arbitration and should resolve their disputes themselves.

11. Are the terms and conditions arbitrable?

- Yes. Any faculty member who believes the terms and conditions have been violated may file a grievance and go to arbitration with union representation.

12. Are the colleges still bound by labour laws and standards to provide reasonable terms and conditions of employment?

- Yes, the colleges are bound by labour laws and standards, and the revised terms and conditions far exceed the minimum standards.

13. If the colleges ask faculty to vote on accepting the terms and conditions of employment what happens if the faculty reject the terms and conditions?

- Generally, the union puts management's last offer to their membership for ratification. They are free to do so at anytime.
- Management can ask for a vote, but this is normally the responsibility of the union. No collective agreement can be finalized until the members vote to ratify it.
- Instead of asking for a strike vote the union could have asked the members to vote on the last offer.

14. What is stopping the colleges from not negotiating a settlement and simply sticking to the imposed terms and conditions?

And, if faculty vote NO to the strike, will that allow the colleges to impose terms and conditions at every negotiation and not engage in any serious negotiations, thereby negating the need for a negotiated contract and any need for a union?

- The union and the colleges are both legally obliged to negotiate a new collective agreement.
- It is in the colleges' interest to settle a new collective agreement based on the colleges' best offer. Unfortunately, the union is refusing to bargain in the range of that offer.

- If the faculty vote against the strike it will signal to the union bargaining team that they should return to the bargaining table and withdraw the issues that are holding up a settlement.

15. Why can't the colleges afford what OPSEU is proposing?

- To put the \$218 million of additional costs in perspective, the colleges' total annual wage costs for full-time faculty is \$620 million.
- During these tough economic times, the colleges are in no position to afford the union's demands that will add \$218 million annually to colleges' costs.
- The colleges have consistently and clearly stated that a negotiated settlement has to be fair, affordable and practical.

16. Why can't the colleges support the no-cost items like academic freedom?

- OPSEU is seeking to give individual faculty control over academic content.
- The union is demanding that individual faculty members have control over curriculum and how the curriculum is delivered.
- Colleges are accountable to accreditation boards, industry partners, advisory councils, employers, and the Ministry of Training, Colleges and Universities for the quality of our programs and the preparation of our graduates.
- Individual faculty control, without the necessary coordination, would create a patchwork of program design, content, evaluation and outcomes, which would not serve our students' interests.

17. Why do OPSEU's positions cost so much?

- The union's settlement offer contains three main cost drivers, which include reduced teaching hours, staffing changes, and salary and benefit increases.
 - Teaching Hours Reduction - The union wants to reduce average teaching hours by two hours per week for all teaching faculty. The colleges do not have the financial resources to hire 1,100 additional faculty required to make up the teaching shortfall just to maintain current programming.
 - Staffing Changes - The union is seeking to convert all part-time, sessional and partial-load faculty to full-time status.
 - Salary and Benefits: There is also the cost to increase salaries by 9.7 per cent over three years and move the maximum salary from \$96,529 to \$105,951 – a \$9,422 increase.

Main Cost Drivers in OPSEU's Settlement Offer

Item	Additional Annual Cost
Teaching Hours Reduction	\$96 million
Staffing Changes	\$71 million
Salary and Benefits	\$51 million
TOTAL	\$218 million

Estimated Annual Cost to Individual Colleges of Union's Settlement Offer

College	Union's Proposals Annual Additional Costs Per College*
Algonquin	\$17,243,800
Boréal	\$1,940,200
Cambrian	\$4,970,400
Canadore	\$3,531,600
Centennial	\$11,336,000
Conestoga	\$8,109,600
Confederation	\$4,490,800
Durham	\$8,284,000
Fanshawe	\$14,845,800
Fleming	\$7,019,600
George Brown	\$19,096,800
Georgian	\$8,393,000
Humber	\$19,445,600
La Cité	\$4,076,600
Lambton	\$2,943,000
Loyalist	\$3,793,200
Mohawk	\$12,578,600
Niagara	\$7,739,000
Northern	\$1,569,600
St. Clair	\$8,414,800
St. Lawrence	\$6,474,600
Sault	\$3,248,200
Seneca	\$22,083,400
Sheridan	\$16,371,800
TOTAL	\$218,000,000

* Costs are estimated based on college percentage share of system activity as determined by audited enrolment.

18. Where can I find out more information before I vote?

All information on bargaining, including the union's demands and the colleges' offer, is available at - www.theCouncil.on.ca.

Keeping you informed

Contract Update is a periodic newsletter from the colleges' bargaining team to keep you informed on progress made or when significant events occur during collective bargaining. The English and French versions of this newsletter are also posted on the College Compensation and Appointments Council's website at www.theCouncil.on.ca.

Your opinion

We are interested in what you have to say and welcome your opinion. Please feel free to contact any member of the colleges' bargaining team or submit your views in writing to: info@theCouncil.on.ca.