



TO: CAAT Academic Faculty Members
FROM: The Faculty Negotiating Team
DATE: October 24, 2009
RE: Negotiations Update

College Presidents sent a memo to all full-time faculty members on or about October 13. The memo, which was the same at every college, stated that:

The bargaining process has already been lengthy with the sides having met for more than 20 days of face-to-face bargaining. Therefore, there is every reason to expect that when the sides meet again from October 20 to October 22 that we can emerge with a deal

While it would have been great to reach a deal in October, the notion that time spent means there must be a deal is simplistic and short-sighted. A settlement will be reached when the employer puts a fair and reasonable offer on the table or when the faculty members tell their team that they will accept management's offer as it stands. That offer currently remains miles away from where that fair and reasonable settlement lies.

Workload and the Task Force

The College presidents wrote about the workload issues and the Workload Task Force Report. The presidents claim that: "The Colleges' have tabled proposals to address the recommendations of the taskforce, as has the union." Well, sort of. The Colleges have tabled some proposals that are based on **some** of the Task Force recommendations. They have ignored some recommendations completely and missed the mark so badly on others that they have actually turned positive recommendations on their head, converting them into takeaways.

The management proposal on evaluation reduces the rights of teachers to access resolution where there are disputes. The Task Force advises the parties to adopt a **collegial** system for determining evaluation methods. The Colleges' proposal picks up the Task Force advice that faculty and managers are to meet to determine evaluation, but then they propose to maintain the manager's unilateral right to assign evaluation factors. The Colleges have proposed a consultative model of decision making rather than a collegial model as the Task Force explicitly recommends. They assert that adding language that the manager must not act unreasonably makes all the difference. Not at all. The standard of reasonableness is already built into the workload system by the requirement that assignments be equitable. Repeating it here in another way adds nothing.

The Union team shared with the Colleges' negotiators 6 pages of definition and explanation of "collegial." In short, it means "an equal sharing of power." The Colleges' proposal that faculty should have the right to talk about evaluation, but the supervisor's view will prevail regardless does not meet the test of collegiality. Management's proposal does not come even close to meeting the critical Task Force recommendation on evaluation.

Another recommendation directs the parties to address additional time for out-of-class assistance to students, where teachers have student numbers "above the norm." The norm is 115 students, based on the most recent figures. The Colleges are proposing that the trigger for the additional out-of-class assistance time would be 275 students. By their own admission, the Colleges' proposal would affect only 5 percent of faculty. In an effort to move management into a settlement zone, the union amended its proposal of a trigger of 115 students to 175 which would still impact the top third of teachers. The Task Force recommendation was unanimous and clear. The Colleges' offer comes nowhere close to meeting it.

The Task Force recommends that the parties address the need for academic freedom in the college system. The Colleges have offered nothing whatsoever on that recommendation. They have cherry-picked what they like or are willing to accept, but have not yet truly or in any serious way accepted the Task Force Report. The union team has tabled language on flexibility in the application of the workload formula that is true to the Task Force recommendation. The union did so even though we do not favour that recommendation in the least. We did not cherry-pick only what we like or take the teeth out of any recommendations we don't like.

The Report of the Workload Task Force is not about tinkering with the workload formula. It does identify some very specific areas to amend – some level of flexibility for scheduling and assignments, a truly collegial process for determining evaluation/feedback methods, and a mechanism to address out-of-class assistance needs above the norm. Even more significantly, the Workload Task Force recommends a meaningful shift in thinking about important aspects of how the colleges operate in terms of the academic process.

The colleges have changed and continue to evolve. Their place in the post-secondary sphere is not what it was 20 or 30 years ago. The Workload Task Force recognizes the need to update the way the Colleges make internal academic decisions. That is why they recommend collegiality and academic freedom. Quite simply – it is time.

The Colleges' offer of settlement has nothing whatsoever that addresses academic freedom. The only element of collegiality is that which allows faculty and their supervisor to modify the application of the workload formula. The Colleges' offer

reflects a complete unwillingness to make the shifts that are doable, affordable, realistic and appropriate for Ontario's college system today.

Salaries and Benefits

The parties battled over wage bargaining for years until in 1991, arbitrator Martin Teplitsky required them to establish a joint task force, with an independent chair, to finally create an agreed basis for wage and benefits negotiations. That Wages and Benefits Task Force unanimously agreed that there would be referent, or comparator, institutions which would form a solid basis for negotiations. They also noted that there were a number of "indicators" that would have an impact on those referent groups, and further that no single indicator could be used by either party to skew wage bargaining. In short, the various indicators – including CPI, benefits, workload, credentials, etc, would be reflected in the referent group salary settlements and had to be looked at in that way, not as a determining factor in wage and benefit bargaining. The determining factors are the referent group settlements.

The college presidents asserted that the economic climate justifies their 1.25%, 1.5%, 1.5% and 2% wage offer over four years. That offer was minimally improved over the last 3 days of bargaining to 1.5%, 1.5%, 2% and 2%. It still would see college teachers falling well back when measured against our comparator groups.

While other OPSEU employees are not our referent groups, it is interesting to note that the Colleges are claiming that their offer has been accepted by "OPSEU" in other jurisdictions. First – "OPSEU" does not accept any offers: OPSEU members decide. In OPSEU's social services sector for example, the settlements have averaged 2.5%, certainly not the 1.75% average that management has offered to college faculty.

Those same College presidents who have told us the cookie jar is empty have used their own comparator-based study to give themselves wage increases which have averaged a whopping 9.8 % annually since 1996. Their preaching restraint for faculty is disingenuous.

These things being said, the bargaining team is mindful of economic conditions. There is room to bargain a fair wage and benefits package. Enrollments are up. Colleges are expanding. Settlements in the post-secondary sector **since** the economic downturn do reflect current conditions and we are relying on those recent settlements. We have also told the Colleges directly at the bargaining table that if they can show us that it truly is fiscally impossible to meet the referent group average mark on money, then now is the time to offer greater non-monetary improvements to the Collective Agreement. Instead, they are saying zero on benefits, wages that lower our salary in comparison to our referent groups, and takeaways in other areas.

Other Items

The College presidents' memo would have you believe that salary and workload were the only matters being discussed at negotiations. Not true at all. The union continues to press for a number of low or zero cost items but management so far refuses to budge.

The union proposed better treatment for Partial-Load teachers in job security, access to full-time positions, and workload. We have proposed, in keeping with the Rae Report and increased enrollments, more full-time staff. On benefits, the union tabled a revised proposal that would protect members or dependants with catastrophic drug costs. Health and Safety – we are demanding that defibrillators be mandatory, not just if, when and how, for those colleges that decide to have defibrillators. Even the *Two Men and a Truck* movers franchises have defibrillators in every unit! Why can't the colleges? The Colleges are saying “no,” “no,” “no,” to all of these proposals.

Conclusions

We are pleased that the presidents have taken an interest in negotiations. We wish they were more informed about negotiations and about the Workload Task Force Report. If the college presidents studied the 14 specific Task Force recommendations, they would see that the offer tabled by their representatives at the bargaining table fails to meet most of those recommendations.

Misinforming the faculty is not only irresponsible but it exacerbates the differences between the parties at the bargaining table. **The direct result of the actions of the college presidents is to create uncertainty for college students.** They move the parties further from, not closer to settlement. If the college presidents truly want to help, then they should listen to the college faculty. It was faculty – even prior to the release of the Task Force Report – who identified the need for academic freedom as a top-three priority for this round of negotiations. Academic freedom is important to college faculty. Improvements in workloads are also important to college faculty, important because our students matter to us, and because quality education demands reasonable workloads. Salary and benefits must keep pace with high school, university, and other major public sector trainers. Simplistic or ill-informed pronouncements and traditional, habitual entrenchment will not help.

On a positive note, the Task Force and the faculty are on the same page. That is gratifying and encouraging. When management gets on that page too, we will have a settlement.

Ted Montgomery, for the Faculty Bargaining Team