

Bargaining Update 17 September 2021

The faculty and employer teams met today to discuss the additional proposals and an offer of settlement tabled by the College Employer Council on Wednesday at 4pm. We were pleased that the CEC responded to faculty's request to table their complete package, and that they chose to include a settlement offer at the same time.

The Employer's offer of settlement contains a number of concessions for faculty, and limited enhancements. Further, the faculty team was told that if we did not recommend this offer to members, they would return to previously-tabled concessions, many of which are in the proposals attached below, and that they retain the right to seek more to address their areas of concern.

This is, simply, a scare tactic. Offering a settlement that does not adequately address any faculty demands while simultaneously threatening previously-tabled concessions if such an inadequate offer is not accepted is a tactic that we recognize from many previous rounds of negotiations with this employer. It is also one that has not had the desired effect of preventing faculty from achieving gains.

Such a tactic is also not in alignment with the CEC team's stated goal of fostering an ongoing positive relationship between the faculty/Union and management.

The tone of the CEC team's comments has shifted into much more aggressive rhetoric this week, and risks misrepresenting the history of this round of negotiations. To be clear, the faculty team has not refused to engage in discussions. We have provided various information that has been requested. We are also fully willing to discuss our proposals. It is also a misrepresentation for the CEC to claim that negotiations would be protracted and unsuccessful if faculty pursue our proposals rather than the settlement offer they tabled on Wednesday at 4pm; that is fear-mongering.

The presence of complex proposals does not necessitate the avoidance of a regular bargaining process timeline. Had the CEC team been prepared to table their proposals at the outset of bargaining, then we believe that both sides would have had sufficient time to engage in an in-depth negotiations process. It is also factually inaccurate to assert that faculty proposals are designed for rejection. Changes to the collective agreement are not based on the CEC's definition of a demonstrated need for change.

It is, frankly, insulting for the CEC to repeatedly assert that faculty's lived experience is not enough to demonstrate the need for practical changes to the Collective Agreement. Our proposals represent faculty members' priorities, and were gathered through an extensive and democratic process involving literally thousands of hours of consultation and participation. Faculty members' lived experience has always formed the basis for faculty demands in every round of bargaining. This is the first time that we are aware of when this has been challenged by the employer as a sufficient source.

These types of statements, combined with our feedback attached below, point to a fundamental difference in understanding between the teams about the actual purpose of collective bargaining.

With that said, we remain committed to working toward a settlement together, and agree with the CEC that bargaining effectively requires a shared understanding of language, context, scope, and--we would add--purpose. Based on our exchanges thus far, we do not believe that either team is able to reach that understanding in the five remaining scheduled days of bargaining, without outside assistance.

Therefore, in the spirit of moving us forward without escalating tensions, we acknowledged that we have a labour relations problem, and we proposed a labour relations solution.

The faculty team invited the CEC to join us in pre-conciliation mediation with an independent mediator for a fixed period of time with the goals of focusing both teams, and sorting out a pathway to bargaining a negotiated settlement. We further proposed that both teams consent to not taking any additional steps toward conciliation or other labour escalation until that time period had elapsed. We also proposed an independent mediator who is familiar with the Ontario College sector, has extensive experience in provincial and federal public sector bargaining mediation, and who has been acceptable to both parties in the past in seeking to achieve a settlement.

With five days remaining in our process, and with the teams still working on developing a shared context for bargaining, we have offered mediation as a way forward together. We recognize the passionate commitment that members on both teams bring to this table and this process; this proposed dispute resolution mechanism requires both teams' consent. Our team is fully committed to a negotiated settlement, and to pre-conciliation mediation as a preferred pathway to achieving it, as well as a means of improving our ongoing labour relations. We hope that the CEC team will seriously consider this offer.

Partial-list of concessions in CEC proposals:

(for a more comprehensive summary, please see the full text of the faculty responses attached)

1. Inequitable workload based on program area such as apprenticeship and academic upgrading
2. Increasing the number of weeks of work per year
3. Two-tiered total teaching contact hours, number of courses assigned, contact days, time between assigned contact days
4. Two-tiered work week: Ability to schedule new faculty on any 5 consecutive days in a week (for example, weekends would now be part of the work week for new faculty)
5. Weaken faculty access to professional development
6. Elimination of caps on overtime
7. Allowing for courses without professors, only marking assistants

8. Ability to require work on weekends without recognition or additional compensation
9. Reduction of hours for evaluation and feedback for online evaluations
10. Unacceptable changes to the length of the academic year (no longer 10 months) and faculty vacation scheduling and rotation
11. Limits to faculty ability to access full parental leave
12. Unnecessary and harmful restriction on faculty ability to bank sick days
13. Attacking Partial-Load seniority rights won in 2017
14. Extending the probationary period for FT faculty; introducing a probationary period of 1008 hours for PL faculty
15. Creating additional hurdles to hiring, reassignment, or automatic conversion of full-time faculty
16. Further limits to faculty intellectual property rights, and expansion of privatization of faculty work
17. Limiting the scope of counsellor work
18. Reducing faculty academic freedom in regard to course delivery, professional development
19. Removal of LOU subcommittees without mechanisms to continue their work or enshrine their recommendations in the Collective Agreement
20. Attempt to create conditions where courses can run without a professor
21. Attempt to create a slippery slope to eliminate the role of professors altogether

Other notes about the CEC proposals:

1. Offer no improvements to workload for Counsellors, Librarians, or Partial-Load faculty
2. Dismiss the work done at the IP subcommittee as a non-starter
3. Dismiss faculty proposals for academic councils as a non-starter

In solidarity,

JP, Jonathan, Katie, Michelle, Ravi, Rebecca, Shawn