

Management Bargaining Team Chair's September 24th, 2021 Presentation on Settlement Proposal Misrepresentations, Mediation, and Union Proposal Language and Costing

Settlement Proposal Misrepresentations

We have considered the CAAT-A team presentation to us on Friday, September 17th.

We want to reiterate that we put our without prejudice settlement proposal forward in the interests of our students and the sustainability of our system more broadly. Now is not the time for fundamental revision of our relationship which can only be achieved through labour disruption, harming our students.

We have seen various communications from the Union that conflate the without prejudice settlement proposal with the other language proposals which we have offered to set aside. We have also noted that many of the Union communications have misrepresented components of our settlement proposal. Some examples include the following:

- One communication claimed that we were likely looking for a 1008 hour partial load probationary period. The CAAT-A team knows that this is not contained in our without prejudice settlement proposal.
- Another suggested that the proposed workforce task force “explicitly targets current workload protections”. There are no explicit targets in our proposal.
- Yet another suggests that the without prejudice settlement proposal is “take it or leave it non-negotiable”. We have never said that.

We are troubled that the Union appears to be bargaining in public without engaging in the appropriate bargaining process of discussing our proposal with us. We don't see these actions as conducive to getting to a collective agreement. These actions undermine our shared obligation to engage in full and frank discussions at the bargaining table. If there is something the CAAT-A team wants to say about our proposal, we expect the CAAT-A team will say it to us first.

Unfortunately, the Union does not appear to be hearing what we are saying or are, somehow, misunderstanding what we are saying to the Union. We are, therefore, going to be very clear in our response to the CAAT-A team today.

Union Proposal Language and Costing

As drafted, the Union's tabled demands U1 on Equity, U2 on Workload, U3 on Partial Load, U4 on Class Definitions, U5 on Academic Freedom, Intellectual Property and Faculty Academic Councils, U6 on Staffing, U7 on Joint Committee Work, U8 on Outside Work and U9 on Coordinators are not acceptable to the Colleges and present concepts that the Colleges cannot and will not ever agree to.

As a team, we have reviewed each of the Union tabled demands at length and none of them disclose paths to potential collective agreement language with which we could ever agree. We have provided counter proposals where we thought that there might be a shared interest, but the CAAT-A team has dismissed those counter proposals out of hand without any substantive discussion.

We have costed some of the Union demands using the most conservative assumptions:

The U2 Workload Proposal regarding 2 additional hours of out of class time, the change in Essay/Project Evaluation factor and the revised preparation factors would reduce assignable teaching contact hours across the system by at least 34 % to 9 TCHs at an annual cost of at least \$370 Million (this does not include the effect of the Union change in the definition of Essay/Project to be anything more than "one word or character");

The U2 Workload Proposal to reduce assignable Counselling time from 35 hours to 25 hours represents an estimated system-wide cost exceeding \$6 Million annually based on the current number of Counsellors;

The U3 proposal on Partial Load salary would cost in excess of \$120 Million per year (without considering any effect of workload restrictions);

The U4 proposal aims to eliminate the work of a substantial number of current Support Staff employees who provide invaluable service to students. Replacing support staff employees with academic employees would represent a substantial cost increase to the system;

The U6 proposal on Staffing in respect of Counsellors would require the hiring of 320 new Counsellors across the system, in respect of Librarians it would require the hiring of 98 Librarians across the system which together in total would represent an estimated annual cost increase of \$48 Million.

The U6 proposal in respect of Professors and Instructors would require the creation of 3,000 new Full-Time positions and the elimination of 42% of non-Full-Time Teaching Contact Hours. The net cost increase to the system would be at least \$211 Million per annum.

The U7 proposal on Joint Committee work would require, across the system, that the Colleges pay an estimated additional \$25 Million annually for Union Release Time.

The U5 proposal respecting Intellectual Property would result in the effective elimination of all industry sponsored research across the system. Presently, Colleges contract with Industry Partners to conduct applied research in areas valuable to them. If Industry Partners no longer owned the results of that work and had to instead negotiate individually with Faculty over the ownership of the intellectual property, the arrangements would cease to exist. Further, the Union proposals would virtually eliminate access to NSERC grants.

Based on our conservative assumptions, these proposals alone result in an estimated increased annual cost to the system of at least three quarters of a Billion dollars. This estimate does not include the costs associated with: a 1% increase in compensation; the additional prep and evaluation factors that the Union has proposed; the loss of revenue associated with the termination of applied research contracts; etc. It also does not include any monetary demands the Union has yet to make.

In addition to these high-cost demands, some of the Union other demands are matters that we could never agree to for legal reasons:

The U1 Equity proposals to add “Students whose first language is not the language of instruction” and “number of languages used in the classroom” to the list of matters to be considered by the Workload Monitoring Group, are offensive to our diverse learner population and invite, in the most benign circumstance, unconscious bias in workload determination based on stereotypical assumptions. In the worst case the impact could be far more dire;

The U5 proposal ignores the fact that colleges have always had input from faculty, students, and the community (at the Board of Governors, through statutory advisory committees, and through various other means) which has been foundational to our success as a system. The Union proposal for the creation of new “Faculty Academic Councils” is contrary to our governing legislation.

Last Friday, the CAAT-A team reiterated that its demands are demands that have been set through the Union internal democratic processes. However, that may be, these demands as articulated in the Union proposed language are not changes on which an agreement can ever be reached.

Mediation

On September 17th, the CAAT-A suggested that the Parties engage a mediator to assist with bargaining. We do not see how mediation can make any of the solutions suggested by the Union language proposals any more acceptable. We will never agree to any of the solutions suggested by the Union bargaining team’s language proposals.

Having said that, given that the CAAT-A team has refused to engage in rational and informed discussion with us, we believe that engaging a mediator may finally cause the Union to communicate with us about the interests underlying the Union demands. We hope that a mediator might require the CAAT-A team to engage in some informed discussion with us which has been entirely lacking in the bargaining to this point.

In the interests of stability for our students, we remain committed to negotiating a settlement as quickly as possible and avoiding a strike. Therefore, we are willing to engage a mediator to assist in exploring whether any agreement is possible.

If the CAAT-A bargaining team is not prepared to take its membership on strike over the solutions suggested by the Union language proposals then please remove them from the table, as we have done with our contentious items through our without prejudice settlement offer, so that we might have constructive discussions at mediation toward concluding a collective agreement.

We understand that Mr. Simpson is not available to act as mediator. We have reached out to a number of well-regarded mediators to ascertain their availability and willingness to assist. We are aware that Steve Raymond, Eli Gedalof, and Jim Hayes are each willing to act as mediator and are prepared to make themselves available to us in the immediate future.

Again, subject to the Union's willingness to share the cost of mediation, we look forward to hearing from the CAAT-A team today so that we can engage one of the mediators to work with us immediately. We also note that this may require all of us to be available on evenings or weekends in order to facilitate mediation. We are of course willing to do that.