



February 8, 2010

Your questions...answered

If a majority vote to reject the employer's offer, will there be a strike?

A – In order for bargaining to resume after the rejection vote, the Union has postponed the strike date to February 17th. If there is no agreement, the Union is still proposing binding arbitration to settle all remaining differences.

What is binding arbitration?

A – The employer and the Union make their case for their proposals before a third party who decides what will go into the new contract. Only matters of disagreement would go before the arbitrator. Things already agreed-to would stay in place.

Why would the colleges bargain further if everything was going to go to arbitration?

A – With negotiations, the two sides can come to mutual agreement on items rather than be in a win/lose position. There would be pressure on both sides to find a fair ground for settlement.

Why would the Union even propose arbitration with a strike vote – a low mandate, but still a clear majority by more than 1,000 votes?

A – The Premier has said very publicly that he urges the two sides to return to the bargaining table to try to work out a deal and do everything possible to avoid a disruption to the students' year. We take that very seriously and are doing just that – everything possible.

Why has management turned down arbitration?

A – Obviously, management won't say prior to their offer vote that they will agree to arbitration. Even after a rejection vote, management might still refuse to take any outstanding items to arbitration. Students,

faculty, parents, the media, the general public, and the government will all have their views of such a refusal. If there is a rejection vote, positions might change between February 10 and February 17.

Is there any way to force arbitration on the Colleges?

A – Arbitration is something that can either be mutually agreed to between the two sides or legislated by the government. Neither the Union nor the Colleges can force it on the other side.

Someone said the previous strikes have all ended up in arbitration and that the government has legislated faculty back to work every time. Is that true?

A – No, it is not true. In 1984, the government legislated the faculty back to work and provided arbitration. In 1989, the Colleges and the Union agreed to end the strike after three weeks and submit their differences to an arbitrator. In 2006, the two sides again agreed to arbitration.

I have heard that arbitration was no longer in the Colleges Collective Bargaining Act and therefore the parties could not arbitrate. Is that true?

A – Not true. The specific methods of arbitration were removed from the revised Act, but the parties can always agree to arbitration or the government can legislate it. The advisor to the Minister said in his report: "The parties can always, if they wish, agree to settle issues in bargaining by arbitration," and "If it does become necessary, then the agreement of the parties or back to work legislation can provide for a mechanism of binding interest arbitration." It is better to negotiate a settlement, but it would be terribly wrong as a matter of pride or labour relations strategy to force a strike where it could be reasonably avoided.

Is a strike still possible?

A – A strike is still possible if management forces it.

Why should I vote to reject?

A – The current offer is simply not a good offer. It has some serious concessions. It fails to implement key Workload Task Force recommendations and badly misses the mark on others. Salary will fall back in relation to all other Ontario public education teachers. There is nothing to address the unique concerns of partial load teachers and counsellors.

This offer is not substantially different than the imposed terms, other than one-quarter of a per cent more salary, some of the minor concessions removed, and a three-year (not a four-year) term.

A rejection vote at this time will lead to a better offer. Of course, the colleges say they've gone as far as they can. That is to be expected. But more can be achieved with more bargaining. Only a rejection vote allows that to happen.

If you are partial-load, there is no reason at all to accept the current offer. The offer has no gains for partial-load.

What happens if the management offer is accepted?

A – There will be no more bargaining, no arbitration, and no improvements for three years. An acceptance vote will affirm this. It will also open the door for the employer to continue to impose terms and conditions in the future.

If the imposition is so bad, why haven't we felt its effects?

A – The key concessions did not take effect until January 31, 2010.

Why did they make the Article 11.09 changes effective January 31, 2010 instead of November 18, 2009?

A – The Colleges gave no reason in bargaining why they imposed some terms as of November 18 but held off on the Modified Workload Arrangements. It would have been quite possible to make those amendments in November. The Colleges never announced that these Modified Workload Arrangement terms were being delayed so that the faculty would not realize the scope of the concession until the terms were put into the Collective Agreement.

Are there concessions in their offer?

A – Yes, significant concessions and takeaways:

- Loss of most workload protections for 1 in 5 teachers:
 - no workload limits
 - no measurement of workload
 - no credit for number of students
 - no credit for preparation, evaluation, out-of-class assistance
 - assignment of duties during non-teaching period
 - no credit for weekend assignments, etc.
- Averaging of teaching hours over a three-year block
- A return to harmfully inflexible grievance time limits
- Recording of duties undertaken in the non-teaching periods

Prevent management from implementing concessions.

On February 10, vote to reject the employer's offer.