



TO: CAAT Academic Local Presidents
FROM: The Faculty Negotiating Team
DATE: September 1, 2009
RE: Negotiations Update

Talks between the parties have recessed but have not ended. The Ministry-appointed Conciliator, Mr. Greg Long, asked the two sides to step away from the bargaining table for the time being.

Workload, salary, and academic freedom were the top three priorities the faculty team was directed to pursue. Other matters have also been tabled and continue to be a part of the negotiations mix. Certainly, some improvements for partial-load faculty and stopping the increasing transfer of teaching work to part-time and sessional employees remain significant demands still on the table. There are other priorities still on the table as well.

Salary

The colleges are demanding a four-year contract with salary increases of:

1.25% - 2009

1.5% - 2010

1.5% - 2011

2.0% - 2012

These increases would see college salaries fall back to a position barely above the high school level and significantly further away from the lowest university professors' salary in Ontario. From the very first Collective Agreement in 1972, Justice J. C. Anderson set out that college teacher salaries should be "significantly" above high school and somewhere below university teachers.

In order to provide focus and structure to salary and benefits bargaining, in 1989, Arbitrator Martin Teplitsky directed the creation of a bipartite task force on wages and benefits. The findings of that task force confirmed the common sense reality of how to bargain college faculty salaries and where they should be. Now, this management bargaining team is attempting to use last year's economic downturn to essentially throw

away the consensus findings of that Task Force. That is the only way they can justify or excuse their salary offer.

Ontario high school teachers will receive 3 percent increases in each of the next three years. University professor salaries for 2009 will rise on average 3.9 percent for the year, and that includes those which were negotiated post-September, 2008.

As a further rationale to justify an offer of 1.25 percent for 2009, the management bargaining lawyer noted that College faculty got a 4 percent raise in September 2008 while high school teachers received 3 percent.

The Union proposal is for a two-year agreement with increases of 4.5 percent in each year and changes to the salary grid to drop the lowest step and add a step to the top of scale in each of the years. That opening position would move faculty salaries further above the high school rates, though still far from the mid-point between high school and university teachers. (Management's offer would drag college salaries back towards the high school level)

We will not bargain to go backwards. We will not allow College academic bargaining to be dragged away from the commonsensical roadmap set out long ago and confirmed by a rigorous bipartite study of how to bargain faculty wages and benefits.

It would be foolhardy to lock into a four-year agreement on salary when the most recent Bank of Canada forecasts are for a "robust economic recovery" which they advise is already underway. The Toronto Star Business section just this Saturday, August 29, reported the Mercer "Canadian Compensation Planning Survey" where employers reported planned private sector increases of 2.7 percent in 2010 up from the actual 2.0 percent increases awarded in 2009. The Mercer survey has been conducted every year for over twenty years and over 500 companies participate.

Many Colleges budgeted for 3 percent increases in faculty compensation this year, even before bargaining began. The College management team's offer is completely unacceptable on every ground.

Workload

Workload bargaining should have been straightforward. The faculty strike of March 2006 resulted in the creation of a second Workload Task Force, this one with an independent chair, which the faculty had wanted all along.

The Colleges vigorously opposed the creation of the independently-chaired Task Force in 2006, but it became an integral part of the award of arbitrator William Kaplan. Certainly, the final report of the Task Force was neither perfect nor one-sided, but it did have what the faculty have been demanding for a decade and more – a study of workload issues and recommendations to address workload problems.

Despite any misgivings the employer might have had, the report was undisputed. In fact, it was a unanimous report. The management nominee to the Task Force was on the last management bargaining team and is on this one too.

The Union advised the Colleges at the very start of these negotiations that we were prepared to implement the Workload Task Force Report in its entirety even though the Report had some things we did not support or even agree with.

The Union has some other workload demands identified by the faculty, but the key to settlement lies in implementing the recommendations of the Task Force. The final recommendation, echoed throughout the report, speaks to “mechanisms that will enhance collegiality, professional development, and academic freedom.”

Not only have management been unwilling to amend the Collective Agreement to properly reflect the several recommendations of the Task Force which do address faculty concerns, but they have grossly overreached on the “flexibility” recommendation that favours their agenda – to erode the workload formula.

They have completely disregarded safeguards that the Task Force explicitly recommended to protect faculty if there was to be an introduction of greater managerial flexibility in workload scheduling. Specifically, the Task Force was adamant that any greater flexibility could not be used to increase annual workloads. The management proposals completely ignore that Task Force requirement.

Further, the colleges have tied any workload improvements whatsoever to the Union’s acceptance of concessions.

First is a fundamental change to the workload formula (Article 11.01 B) – a change that would entitle managers to assign additional work beyond the existing teaching periods. Currently the contract limits assignable work to 44 hours when there are weeks of teaching. Management wants the right to issue SWF's with 44 hours of workload even when there is no teaching at all, for up to 36 or 38 weeks. They advised the Union at the bargaining table that this was for "clarity" and that faculty wanted this change. The example given was a member of the management negotiating committee who said he felt that way when he was a teacher.

The Task Force notes that the most important purpose of the workload formula is to set limits on what can be demanded by the college from the teacher. There is nothing whatsoever in the Task Force Report to justify management's proposal which is nothing less than a demand to extend management's right to assign. It is in direct contradiction to the Task Force's unequivocal advice to the parties to increase academic freedom.

The Task Force does recommend a possible mechanism to increase flexibility in "the delivery of certain types of programs." These include "apprenticeship, programs requiring block or concentrated teaching or outside field placement, some adult learning programs, and certain on-line programs." Management has proposed a scheme to allow removal of the workload formula from any type of program. They don't stop there.

The Task Force says, "Our recommendations could affect three of the maxima set out in the formula. They are the limitations on weekly teaching contact hours, the cap on weekly overtime, and the total hours in the work week." That is exactly what the Union proposed in its reply on the "flexibility" recommendation. Management's proposal goes well beyond the three maxima cited by the Task Force. Their so-called flexibility proposal would set aside every limit, every measure, and every component of the workload formula. They propose no SWF at all, no hourly, daily, weekly or even yearly limit. They propose no measurement of workload at all. This would make it quite impossible to monitor if there were an increase from previous year's workload, which was an essential subset recommendation for the "flexibility" recommendation.

Management's proposal is not based on the Task Force Report. It is, in fact, a re-submission of their demands from previous negotiations.

Overall, management's proposals are miles away from where there might be a settlement on the workload issues. They have not accepted the findings and the spirit of the Task Force Report in any meaningful way.

The Task Force speaks unequivocally of the need to integrate principles of academic freedom into the college system. The Colleges, to date, steadfastly refuse to accept that academic freedom has any place in the college system. Evaluation is just one example. The Task Force describes the issue of how evaluation reflects academic freedom as a "more fundamental question," for the college system. It is not about the mechanics of determining evaluation methods, but about the "fundamental question" of academic freedom.

Academic Freedom

The Task Force writes:

We also conclude that collegiality, academic freedom and professional development are important objectives in any college system and our recommendations have taken these objectives into account. We must note, however, that we detected some distrust between the parties that was present at all of the regional meetings. We hope that our recommendations may alleviate that distrust.

The Colleges refuse to acknowledge the need for academic freedom. But, if the relationship between college faculty and management is to move past the stage of distrust and confrontation, that must happen.

Let's look closely at what the Task Force says in that one paragraph. First, it differentiates collegiality, academic freedom, and professional development. (Elsewhere in the Report, the Task Force references the need to acknowledge professional expertise in determining evaluation.) Each plays, or should play, its role in the success of the colleges, in the teaching/learning processes, and in the day-to-day and career-long relationships between the teaching faculty and administration.

The Task Force makes recommendations to enhance collegiality in requiring that faculty and managers meet collectively to discuss any proposed modified workload arrangements and evaluation methods for all courses. They acknowledge the collegiality inherent in the process of professional development and encourage the parties to enhance that system.

They note the need for greater attention to and support of professional development if the colleges are to remain “vibrant.”

The Union has tabled language to enshrine academic freedom into our Collective Agreement. It is language not unlike that which is a part of every university in this country. Academic freedom was the third highest ranked priority for college teaching, library and counselling faculty in this round of negotiations, behind only workload and salary.

The only cost to the employer in recognizing academic freedom is the end of the top-down, military/industrial style managerial model which has been the practice in Ontario’s colleges since their inception. Of course, some managers and some colleges have from time to time granted de facto academic freedom in many areas, but it has always been by managerial largesse, not an enshrined right or principle. It is time for that to change. Academic freedom is a hallmark and guiding light of post-secondary education. There can be no settlement of these negotiations without the inclusion of language to provide academic freedom to college faculty.

For the team,

Ted Montgomery, Chair