



Negotiations News



Bargaining information for OPSEU members in the CAAT-Academic Division

New process squeezes timelines

Contract talks set to start in June

Last year's changes to the *Colleges Collective Bargaining Act (CCBA)* mean college faculty bargaining won't start until June – just three months prior to the expiry of our contract.

Under the old CCBA, the union or the employer gave notice to bargain in January of the year the collective agreement expired. Under the new law, notice to bargain cannot be given earlier than 90 days before contract expiry.

The union has met with college management to set bargaining dates. Face-to-face talks will begin in early June and will continue on bargaining dates set for June, July, and August. The union offered to begin preliminary talks prior to June 1, but management refused. The union will serve notice to bargain according to the new legislative requirements.

The new CCBA also gives the employer the right to force a contract vote during negotiations.

The union opposed both changes to the law after the provincial government appointed Kevin Whitaker, chair of the Ontario Labour Relations Board, to recommend "improvements" to the CCBA. The union argued that

these changes would ultimately heighten student anxiety as they get set to begin their studies in September.

Management supported the changes, which were accepted by the government – over the objections of the union – and passed into law in October 2008.

The old CCBA had served the parties well. Most rounds of bargaining ended with a settlement.

Even with the new compressed bargaining schedule, the union is convinced that there is enough time to reach a contract settlement if management has the will to settle.

Please give your local your secure e-mail address

Given that the bulk of bargaining will occur while most faculty are on vacation, the faculty bargaining team is asking each local to compile a list of secure (non-college) e-mail addresses for each member of the local. The bargaining team's communiqués and newsletters will be sent to local presidents for distribution. It is essential that each member provide an e-mail address to his or her local president or local union office. For those who do not have a non-college e-mail address, the local union office can assist in setting this up.

Communication with the membership is a priority for the bargaining team. Up-to-date e-mail lists are vital to the smooth and timely flow of information over the vacation period.

Negotiations News is authorized for distribution by:

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Academic freedom is key to the future success of our colleges

Following the 2006 strike by college faculty, arbitrator William Kaplan selected Wesley Rayner to chair a Workload Task Force to offer views on how the parties could deal with workload issues in the 2009 round of bargaining.

In its report issued March 25, 2009, the Task Force Report affirmed **unequivocally** that academic freedom is an important building block in Ontario's colleges. The Task Force recommended that the parties consider a mechanism to enhance that academic freedom.

In making this recommendation, the Task Force took into account the increasing number of applied degrees, college/university partnerships, and collaborative programs now taught at the colleges. The Task Force recognized that Ontario's colleges are clearly expanding and developing as complex institutions of higher education.

The unimpeded search for knowledge and its free expression are vital for learning in a post-secondary institution. Faculty in other post-secondary institutions have a right to academic freedom, which includes the freedom, collectively or individually, to develop and transmit knowledge and opinion without limitation or constriction by institutional censorship. Academic freedom includes the freedom to teach, the freedom to evaluate, the freedom to research, and the freedom to publish. It also ensures that employees teaching courses have the right to freedom of expression of their views and may choose course content, use teaching methods, and refer to materials without censorship or adherence to prescribed doctrine.

College professors recognize that academic freedom does not confer absolute unregulated rights or immunity; nor does it diminish the obligations to the employer. In cases where an external accrediting body requires that specific curriculum be followed, there is an obligation to follow that curriculum. College professors are responsible professionals and will exercise their academic freedom in a professional and responsible manner.

As at other post-secondary institutions, college professors' functions include designing, revising and

updating courses, teaching assigned courses, conducting research in their field and providing academic leadership. Unlike faculty at other post secondary institutions, Ontario college professors explicitly perform these functions "under the direction of the senior academic officer of the college." This tight managerial control has no place in modern, complex institutions of higher education. The Task Force Report recognizes this. Faculty recognize this. Now is the time for college management to come on board as well.

Quality education is important to the future of our college students and essential to the future success and vitality of the college system. Academic freedom is an important building block of quality education.

Good news on return-to-work grievances!

On April 27, 2009, the Board of Arbitration hearing the return-to-work grievances which followed the March 2006 strike released its preliminary award.

Here is how our counsel describes the result:

You will see that we have prevailed.

The majority finds that the Protocol [*the Return to Work Protocol agreed to by the parties in 2006*] reflects an understanding of the parties that there might be a workload attributable to the return to work from the strike and that any such workload was not intended to be governed by Article 11. They find that the "preliminary evidence" indicated that members made adjustments to their workload when they returned to work "that may warrant some additional payment". They say that they are not prepared to make an actual determination on that issue as they only heard evidence in the context of assessing

Continued bottom of page 3

Salaries must rise towards university comparators

In the last four rounds of bargaining, the basis for salary negotiations has been the settlements reached by college faculty's established comparator groups. These are Ontario high school teachers and university professors.

In resolving the 1989 round of bargaining, Arbitrator Martin Teplitsky commissioned a joint study of wages and benefits. Teplitsky found a need to establish benchmarks and he set up a joint task force to do it. Dr. William Marcotte chaired that task force. The resulting comparator groups have been applied in successive rounds of bargaining. (Ryerson, which at the time of the study was a polytechnic institute, was cited as a primary comparator.) The high schools and universities remain as the valid comparator groups for this current round.

The Wages and Benefits Task Force's accepted comparator standard was to compare the high school top step with the university full professor ceilings – to compare top-of-scale to top-of-scale. The college faculty position is that the faculty salary maximum should be between the highest secondary school maximum (excluding allowances) and the lowest ceiling of Ontario university professors. At one time the college

faculty maximum was below the high school maximum. In recent rounds the faculty maximum has improved, but it is only marginally above the high school salary maximum.

Increasingly, the work assigned to and performed by college faculty resembles that of university professors. More and more, college faculty are being expected to undertake research, to teach in an electronic as well as a face-to-face environment, to evaluate in great detail and with high levels of accountability, and to respond to more frequent and complex concerns of students and community stakeholders. The work of college faculty to create curriculum is more challenging than in the past, largely due to the massive increase in information in recent years, and in numerous changes in multiple areas of expertise. Qualifications to teach in the college system have been growing to the point where multiple certifications are the norm, as in the universities. It follows that college faculty salaries should be moving toward the university professor range, not further away. It is important in this round that faculty improve their

Continued on page 4

Return-to-work grievances

From page 2

what they (inaccurately) describe as a joint request for directions and specifically note that the Colleges called no evidence.

The majority goes on to say that fact situations vary depending on the particular circumstances of each case and that accordingly the grievances are to be decided on a case by case basis and that dates will be scheduled at the request of the parties.

This is certainly good news. The decision, in essence, says what faculty have known all along – that

there was compensation due for workload as a result of the post-strike return to work and the colleges' semester completion strategies. It remains now to consider each claim on its merits to determine if actual work was done by claimants.

The union will be approaching the employer to establish the quickest possible process to get through the next phase.

Any costs to the colleges associated with such payments are a part of costs of the 2005-09 collective agreement. These costs cannot be assessed against the current negotiations.

position within the comparator range.

In the fall of 2008, the provincial government negotiated a four-year framework agreement with all school boards that increases high school teacher salaries by 3 per cent each year. Some boards have gone above that framework. Raises in the university sector have been between 3 per cent and 4.2 per cent per year. There have also been increases to the ceilings in addition to those raises. Lakehead University, for

example, the current key university comparator, increased ceilings by 6 per cent, 5 per cent, and 5 per cent over three years. This is similar to adding steps to the top of the college faculty salary scale.

An increase of only 3 per cent would leave college faculty further below the midpoint between high school and university.

Colleges are increasingly requiring higher levels of qualifications from existing and new faculty. As a result, colleges are in greater competition with

universities and the private sector. The colleges must recognize that to attract and retain the highest quality faculty, competitive salaries must be provided. This is the principle to follow if one believes in providing the best quality education for college students. The Letter of Understanding on page 124 of the current collective agreement reconfirms the parties' intentions to address the questions of salary adjustments which reflect the analysis of comparator groups.

Public Sector Salary Disclosure: "The Sunshine List" and the College Presidents

College	President	1996 or Date of Hire	Initial Full Year	2008	Last Full Year	Total Raise	Yearly Raise (compounded)
Algonquin	Robert Gillet	\$127,332	1996	\$286,973	2008	125.37%	7.01%
Boréal	Gisele Chretien	104,742	1998	199,557	2005*	90.52%	9.65%
Cambrian	Sylvia Bernard	171,755	2003	225,671	2008	31.39%	5.61%
Canadore	Barbara Taylor	134,135	2002	238,742	2008	77.99%	10.09%
Centennial	Ann Buller	215,993	2005	290,471	2008	34.48%	10.38%
Confederation	Patricia Lang	159,869	2001	259,527	2008	62.34%	7.17%
Conestoga	John Tibbets	123,894	1996	331,928	2008	167.91%	8.56%
Durham	Leah Myers	148,904	2006	204,241	2008	37.16%	17.12%
Fanshawe	Howard Rundle	109,234	1996	269,797	2008	146.99%	7.83%
George Brown	Anne Sado	213,902	2005	328,612	2008	53.63%	15.39%
Georgian	Brian Tambllyn	115,854	1998	274,880	2008	137.26%	9.02%
Humber	Robert Gordon	129,824	1996	337,654	2006*	160.09%	10.03%
La Cité	Andrée Lortie	111,668	1996	278,866	2008	149.73%	7.93%
Lambton	Tony Hanlon	110,400	2002	273,280	2008	147.54%	16.31%
Loyalist	Maureen Percy	165,073	2005	187,879	2008	13.82%	4.41%
Mohawk	Marylynn West-Moynes	190,275	2004	287,658	2008	51.18%	10.89%
Niagara	Daniel Patterson	144,965	1996	287,517	2008	98.34%	5.87%
Northern	Michael Hill	128,426	2000	259,635	2008	102.17%	9.20%
St. Clair	John Strasser	170,625	2001	257,828	2008	51.11%	6.07%
St. Lawrence	Chris Whitaker	-	-	202,857	2008	-	-
Sault	Ronald Common	-	-	217,351	2008	-	-
Seneca	Rick Miner	212,399	2002	415,794	2008	95.76%	11.85%
Sheridan	Robert Turner	113,850	2001	314,138	2008	175.92%	15.60%
Sir S. Fleming	Tony Tilly	205,736	2005	274,190	2008	33.27%	10.05%
Colleges president average yearly raise							9.82%
All Colleges	Faculty	66,259	1996	96,529	2008	45.68%	3.19%
		(top step)		(top step)			(average)

* Last full years at Boreal & Humber were 2005 & 2006

** Since 2002, the average compounded Faculty increase has been 4.45%