

# Negotiations News



Bargaining information for OPSEU members in the CAAT-Academic Division

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## Negotiations continue

What happens if a contract settlement is not reached by August 31? In such an event, the parties will continue to negotiate and faculty will continue to work.

The terms of the current Collective Agreement would continue after August 31 until settlement is reached or until there is a strike or lockout. Faculty have been in this situation frequently in prior rounds of bargaining. On-time settlements are rare; nevertheless the union remains committed to reaching a settlement by August 31.

The Colleges Collective Bargaining Act (CCBA), 2008, sets out the general rules about bargaining in the college system. While negotiations continue, the parties may make application for conciliation. The conciliation process is very similar to the mediation process in the old CCBA. An independent person, the conciliator, is brought in to help the parties. In the meantime, face-to-face bargaining continues. The union expects to have a conciliator in place for August talks.

Since early June, the union bargaining team and the management group have had several discussions on key issues such as workload. Specific proposals have been exchanged, debated, amended, and further debated. As is

common in collective bargaining, the specific nature of the bargaining discussions remains with the parties, in order to support the general progress toward agreement.

Prior to the start of bargaining, the union indicated willingness to meet through all of June, July, and August, leading up to the August 31 deadline of the current Collective Agreement. Management determined that they could meet on 25 days. While this is a far fewer number of days than the union had offered, it is sufficient time to reach a fair and just agreement if management has the will to do so.



# Workload Task Force Report

The central issue in negotiations for a new Collective Agreement is workload. In 2006, Arbitrator William Kaplan directed that a joint Task Force study teacher workloads. That three-person Task Force was chaired by Wesley Rayner, whose appointment had been recommended by the Council. The union and the Council each appointed a representative. The Task Force Report notes that, generally, the workload formula is working well enough in most programs. However, the report does note problems and sets out a series of recommendations to address these problems. Those recommendations were agreed to by all members of the Task Force.

The first recommendation is to allow some variance from the workload formula in certain situations. The report notes that, “as evidenced in the Pilot projects, clinical, field placements, studio, and group-work programs are areas where an alternate workload assignment process was applied in a satisfactory fashion.” Fewer than 0.8 per cent of the full time faculty took part in these pilot projects, and several of those were not in the types of courses specified by the Task Force. Clearly, to the extent that such alternatives to the formula are useful, that usefulness is exceedingly limited. The potential scope of the pilot projects was up to 10 per cent of the teaching faculty at each college. Even with an incentive payment of \$1000, more than 99 per cent of the full-time faculty opted to stay with the workload formula.

By way of contrast, the other recommendations of the Task Force are intended to have a general and more sweeping impact on the college system. The closing recommendation of the Task Force is, “that the parties consider mechanisms that will enhance collegiality,

professional development, and academic freedom.”

The union has tabled language to incorporate this recommendation into the Collective Agreement. In part, that is accomplished by proposing that the parties accept and incorporate into the Agreement the other recommendations and directions set out by the Task Force. These include a collaborative approach to the determination of evaluation factors, whereby, the old method of unilateral managerial assignment is set aside. They also include amending the formula by adding a clause to provide additional time for those teachers whose student contact

hours are higher than most. The union has tabled academic freedom language that would see college faculty treated with the kind of respect afforded to other post-secondary educators.

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At its core, the Task Force recommendations are a template for the college system to undertake a fundamental shift in the relationship between faculty and management – a shift from a top-down, industrial-style managerial model to a traditional post-secondary academic model. The report is also a warning bell to the colleges: failure to take a different approach to decision-making, particularly on workload issues, will pose a threat to faculty morale, will foster an unhealthy and untrusting relationship, and, most importantly, will leave the colleges less vibrant, less ready to meet the needs and demands of college students.

# On salary, and comparators

Arbitrator Martin Teplitsky, while resolving the 1989 round of bargaining, saw the necessity to establish benchmarks for salary bargaining. He established the joint Wages and Benefits Task Force with Dr. William Marcotte as chair.

In order to reach an equitable and fair salary for College faculty, that Wages and Benefits Task Force established comparator groups. They concluded that the comparison should be salary maximum to maximum salary and that College salaries should be between the highest Ontario secondary school maximum and the lowest ceiling of Ontario University Professors (allowances are excluded). These comparator groups have been used for the past four rounds of bargaining.

Ontario secondary schools are currently signed on to a 4-year contract that expires in 2012. Teachers received 3 per cent for each year – a 12.6 per cent wage increase over the four-year period. A teacher in the Superior-Greenstone District School Board will be making \$92,002 as of September 2009. That will increase to \$97,605 by the fall of 2011.

The Ontario University faculty salary structures differ significantly from school to school. Many have no salary ceilings. Full professors from Lakehead University have the lowest ceiling of the major Ontario universities. There, a Professor who has reached the salary ceiling will be making \$146,745 as of July 1, 2009. Next year, that maximum salary will rise to \$154,080.

While remaining focused on our comparator groups, the union also takes into account general

economic trends. While there undeniably has been a recession, the headline atop the front page of the Toronto Star on July 22, 2009, was typical of more recent statements. “CLOUDS LIFT OVER ECONOMY, so says the head of the Bank of Canada”. Like the overwhelming majority of economists, OPSEU’s Research Unit concurs with the revised and more optimistic outlook of the Bank of Canada that a real recovery from the recession is already on the way. In its forecast, the Bank said: “There are now increasing signs that economic activity has begun to expand in many countries in response to monetary and fiscal policy stimulus and measures to stabilize the global financial system.” However, the Bank also cautioned that during this emerging recovery, “Governments should not drop their guard by beginning to dismantle economic stimulus programs.”

The union is also keenly aware of the fact that student applications to Ontario colleges have grown significantly. According to the summer edition of College Voice, a Colleges Ontario publication, “Ontario’s colleges have clearly become a postsecondary destination of choice as applications to first-year full-time programs have increased 10 per cent this year.” By July 20, the Ontario College Application Service received 155,642 applications for first-year programs starting fall 2009. Last year, at this time, there were 141,671 applications. Clearly this is a system in growth.

# “Partial-Load” Teachers anything but

Partial-load teachers are members of the academic bargaining unit who are assigned between seven and 12 teaching contact hours per week. Their assignable teaching hours are 2/3 of a possible full-time teaching load of 18 hours per week. Their actual workloads, rather than their teaching contact hours, are usually greater than 2/3 of a full-time assignment. In fact, the workload of partial-load teachers often equals or exceeds the workload of full-time teachers.

Unfortunately, the workload formula does not apply to partial-load teachers. The resolution of this long-standing problem was a demand put forward by the partial-load teachers. It is widely supported by faculty that the workload formula should apply to all teachers.


It is fundamentally unfair that two different standards are used in the measurement of workloads, and the resulting systemic inequity must end.

The bargaining team has proposed language that would include partial-load teachers in Article 11. It would have their workload assigned on a SWF with all the appropriate factors, include assigned complementary functions, and have their compensation based on actual workload hours, rather than just teaching contact hours. It is only when a common yardstick is used to measure workload, and that compensation is based on actual workload hours, that true equality and fairness will exist within our bargaining unit.

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