

Negotiations: The Legal Framework

Faculty demands are reasonable, focused, and aimed at improving our Collective Agreement in ways that will help our members provide quality education to our students. We are committed to bargaining a fair collective agreement.

The Colleges Collective Bargaining Act, 2008 (CCBA) establishes the process that governs negotiations between the union and the employer. This is the second time we are bargaining under the revised CCBA (available at www.e-laws.gov.on.ca).

Here is an overview of the legislated process:

1. Notice to Bargain

- Notice can be given by either party and only within 90 days prior to the expiry of agreement (August 31, 2012)
- The parties must meet within 30 days of notice being given

2. Votes

The union may take an offer vote more than once

- without recommendation or
- with a recommendation to reject or accept

All other votes are by secret ballot under the supervision of the Ontario Labour Relations Board and can be taken as follows:

- A vote to authorize a strike may be called by the Union. A successful strike vote does not automatically start strike action; it often results in a negotiated settlement
- A vote to ratify a proposed settlement is taken by the Union
- On a one-time basis only, the employer may request a vote to accept or reject their offer

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3. Conciliation

- Either party can request the appointment of a conciliator to confer and give advice/counsel to both parties as an aid to reaching settlement
- The request can be made at any time after notice to bargain has been given
- The conciliator has 14 days from the date of appointment to provide a report on whether or not settlement has been reached to the Minister of Labour unless an extension is given by both parties or by the Minister
- There is a 16-day waiting period from the Minister's release of the report before a lock-out/strike can be called

4. Mediation

- A request can be made to the Minister for a jointly-selected mediator, in which case, the conciliator usually becomes the mediator.
- Neither a conciliator nor a mediator has the power to impose settlement

5. Lock-out

A lock-out can be imposed at one college, or several, or all; there might even be campus lock-outs. These conditions must be met before a lock-out can begin:

- The collective agreement has expired
- The conciliation report is complete, has been released, and the waiting period is over
- The union has been given notice of at least 5 days

6. Strike

Strikes can involve one college, several, or all; rotating strikes are also possible. Negotiations continue during a strike. These conditions must be met before a strike can begin:

- The collective agreement has expired
- The conciliation report is complete, has been released and the waiting period is over

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- There has been a successful strike vote
- Written notice of at least 5 days has been given to the Council and the employer

7. Imposition

Any and all working conditions can be altered by the employer when:

- The conditions for a lock-out or strike have been met

Face-to-face bargaining begins June 4, 2012

Members, the bargaining team, and OPSEU staff have each done their part to prepare.

Members have set their demands. Delegates have met to set and prioritize our final provincial demands considering variables such as attainability, reasonableness, level of member support, cost, past rounds of bargaining, bargaining unit principles, union principles, future level of member support, public response, and what other bargaining units have achieved.

The bargaining team has:

- Made team members available for the local demand-set meeting of all 24 colleges
- Prepared collective agreement language to meet the endorsed demands
- Set up a symposium on quality education and academic freedom in Ontario colleges
- Launched a quality education video contest for our members and college students
- Distributed newsletters through the local presidents/communication officers

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OPSEU has:

- Prepared a public relations campaign (including print and social media) to support our message and our communications during bargaining
- Provided legal counsel, campaign and communications specialists, research assistance, and office support. These supports will be in place throughout negotiations

We have reasonable proposals. We have studied the bargaining climate in Ontario. We will know what the colleges' bargaining position is when we meet at the table. We are ready to work toward a negotiated settlement.



Your bargaining team

- Carolyn Gaunt, Cambrian College (Co-Chair)
- Ted Montgomery, Seneca College (Co-Chair)
- Rod Bain, Algonquin College
- Gary Bonczak, Fleming College
- Benoît Dupuis, La Cité collégiale
- Lynn Dee Eason, Sault College
- JP Hornick, George Brown College

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