

BULLETIN

FASBU BARGAINING BULLETIN

Despite significant progress at the bargaining table on non-monetary proposals, it is clear that NUFA and the Employer are still miles apart on the issue of a financial settlement. The Employer is digging in its heels, sticking to its proposal of a wage freeze for the next three years and other clawbacks to the status quo. From the Collective Bargaining Committee's perspective this position is not only arbitrary and indefensible, but also a clear sign of how little the Employer values the faculty at this university.

On Monday, August 24, we applied for conciliation, and it remains to be seen if the conscription of a provincially-appointed conciliator will help to narrow the chasm.

Let's recall the context for the Employer's position – a financial crisis of epic proportions that threatened the very existence of the university. That was their justification for unprecedented cuts not only to the ranks of limited-term faculty, but to unionized and non-unionized staff across the university. Budget deficit forecasts ballooned to over \$11 million. In true Chicken Little fashion, the sky was falling. At the bargaining table the Employer argued that it was facing a structural deficit.

For its part, the CBC requested access to financial data that would allow it to assess the Employer's claim. At first, the Employer balked, and refused to provide the data the CBC requested.



Then, you'll recall, NUFA filed a complaint with the Ontario Labour Relations Board alleging bad faith bargaining on the Employer's part. At the mediation stage, the Employer relented, and granted access to some of the data the CBC had requested. After a thorough analysis of that data, with aid from accounting experts, the CBC concluded that there was little evidence to indicate a structural deficit.

Indeed, the university does face some financial challenges. NUFA's position, however, is that these challenges are not just about money: they are about choices that the Employer makes. In other

words, simply choosing to take a myopic approach and pushing Members even further behind the rest of the province (we're already at the bottom, 18 of 18 universities in the province) is both wrongheaded, and harmful to Members and to the university. The Employer needs to choose to invest in its faculty.

The CBC characterizes its financial proposals as fair, reasonable, and modest.

It's time to stand up together and insist upon a fair and reasonable wage settlement.

What is 'conciliation'?

Conciliation is a mediation service offered by the Ontario Ministry of Labour to help unions and employers resolve their differences and reach a settlement that, once ratified, becomes the new collective agreement. Government conciliations are typically called on when an impasse in negotiations has been reached. Either party, separately or jointly, may apply to the Ministry to have a conciliation officer assigned to them in the hopes their services will lead to a settlement. On Friday afternoon, after reaching an impasse in financial discussions, NUFA and the Employer agreed to jointly apply for conciliation assistance.

It is worth noting that this is not our first time applying for conciliation. Our last two rounds of FASBU and CASBU negotiations were only brought to successful conclusion with the help of a conciliator. In fact, our colleagues at OCUFA tell us that over the past two years, most settlements in the university sector have required the help of a conciliator. It appears that bringing in a conciliator is the “new normal.”

Should the conciliation process not lead the parties into agreement, either party can ask the conciliator to file a request with the Minister of Labour for what is known as a “no-board” report. Once issued, the no-board report initiates a countdown; on the 17th day following the issuing of the report, the parties are in a legal strike/lockout position. However, it must be noted that this does not necessarily mean that strike/lockout is inevitable nor does it mean that on the 17th day a strike/lockout must begin. It is the parties (NUFA or the Employer) who control when and if to initiate a strike/lockout once they are in a legal position to do so. As always, efforts to negotiate a settlement should and hopefully will continue unabated—during conciliation, during the countdown following the issuance of a “no board” report, and even during a strike/lockout. Ultimately, the parties must reach some form of settlement. The question is always when and how it will happen.

*To see a flow chart outlining a visual of this process, [click here](#).

