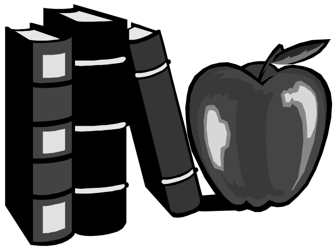

CAAT Academic
Negotiating Team

TO: CAAT Academic Local Presidents
FROM: The Faculty Negotiating Team
DATE: September 23, 2009
RE: Salary Negotiations and the Latest Management Spin

The September 14th issue of the management newsletter is misleading and quite disturbing. It makes various assertions regarding salary positions and some bargaining matters in general.

Salary

The management newsletter references the economic climate and an array of wage settlements across Ontario. While the Union – and the Bank of Canada for that matter – may have a very different view on the economic climate than management's spin, the 1991 Wages and Benefits Task Force outlined how the parties should take those factors into consideration. The management newsletter references the cities of Toronto and Windsor workers, hospital workers, Ontario government administrators, and others. Tellingly, management's newsletter does not acknowledge the most recent settlement for York University faculty.

Here is the most significant aspect of what management in this round is attempting to accomplish. They are seeking to undermine and ignore the established basis for wage and benefits bargaining.

On July 10, 1991, the report of the Wages and Benefits Task Force, chaired by William Marcotte was released. The unanimous view of that joint task force and its independent chair was that 5 identified specific "referent groups" should be used for CAAT Academic bargaining. Those 5 were: Ryerson, Ontario secondary school teachers, Ontario university faculty, public sector trainers, and private sector trainers. (p 13) The first three were given far greater weight in the referent group system than the latter. Eight specific public sector trainers were identified as valid. (p 65) Any consideration of private sector trainers in the referent group analysis was tied to the parties having detailed "qualification/certification," and "nature-of-work" information about such trainers. (p 69)

The Wages and Benefits Task Force added numerous principles for positive, realistic, and purposeful bargaining. Here are just some:

- "The members agreed that comparison between Colleges' academic bargaining unit members' wages and secondary school teachers' wages must be made over a longer period of time than simply those of the current year." (p 13)
- "Equally rarely can a single indicator be viewed in isolation from others, on an intra-group basis (e.g. College professor salaries in isolation from benefits, or workload changes.)" (p 14)
- "The relevant comparison is maximum in one system to maximum in the other." (p 75)

The Task Force speaks about various "indicators". Indicators are the factors, such as certification, workloads, cost-of-living, etc. that influence wages and benefits paid to the referent groups. The indicators are not to take the place of the referent groups themselves. Neither are the indicators to be the determining factors in wage and benefits bargaining.

The management newsletter asserts that, "*clearly, all settlements continue to trend downward in both the public and private sector.*" Take a look at the most recent settlement of one of our close referent group members, York University professors. You can find details at http://www.yufa.org/ In short the York increases are 3%, 3% and 2.5% over the next three years. However, the 2.5% will be augmented by an additional $1.5 million added to base salaries if the parties cannot come to an agreement on how to reduce workloads from 2.5 courses per year to 2.0 courses per year. The workload reduction plan would have to be ratified by the YUFA members or the payment automatically kicks in. (The $1.5 million constitutes about one percentage point of salary.)

The 1991 Task Force was established to guide wages and benefits bargaining. Management's attempt to bring in irrelevant referent groups and to violate the good practices set out by the consensus agreement of a bipartite task force commissioned to enable and facilitate wage and benefits bargaining not only serves immediate selfish interests but sets bargaining back decades.

While the comparators referenced by management are irrelevant in any event, it is instructive to see how the employer contradicts the sound principles of the Task Force. For example – the OPSEU Ontario government worker (OPS) settlement is referenced. Retirees from the OPS receive up to half a year's severance no matter why they leave the job, and have full health care benefits at 100% employer paid. You cannot look at salary on its own. City workers in Toronto and Windsor were striking to protect certain sick leave and retirement benefits and took lower salaries to protect some level of those benefits.

The parties, through a consensus Task Force Report, have established valid referent groups and valid comparison principles for very good reasons. The Union could select college presidents as our preferred referent group. It would make as much or more sense than the comparators chosen by the employer. College president salaries have increased on average from 1996 when public disclosure laws came into effect until 2008, by 9.8% annually. That's an average of 9.8% each year for 12 years. Those salary increases would surely demonstrate that the colleges must have the wherewithal to go well beyond our current salary and benefits demands.

But the Union is following the path set out back in 1991. The parties have established referent groups. There are examples of lower settlements. There are examples of higher ones too. Non-referent group settlements are irrelevant. As for economic trends: the whole package of complex economic factors is incorporated into those closely-related referent groups. That is why a task force, after 2 years of study, selected them and why that same task force said the parties must not rely on a single indicator such as the CPI or a budget deficit as the determining factor. The impact of all indicators is wrapped into referent group settlements.

These referent or comparator groups have formed the basis for salary and benefits negotiations in successive rounds of bargaining since 1991.

Recess in Talks

The employer's newsletter states:

> *"Unfortunately, the union declined to modify its position of 15% over two years and the conciliation officer assisting the parties recommended a recess to negotiations so the parties could reflect on their positions."*

The obvious implication is that these two events are related. There is zero truth to such an implication. In fact, talks recessed shortly after the employer re-tabled an unchanged salary position. But the recess of talks was not tied in any way to either party's salary position. The huge gap is in workload. There, the Union is insisting on the full implementation of the recommendations of the Workload Task Force Report - a report unanimously endorsed by both Union and management reps on the Task Force.

So far, the college negotiators have refused to respond to the closing recommendation of the Task Force to implement academic freedom in the colleges. The colleges want to ignore the one recommendation that offends them most. That is not an option if there is to be a settlement. The Union has refrained from such counter-productive tactics, accepting that settlement depends upon mutual acceptance of the entire unanimous report.

By the way, the 15% figure is misleading. Steps added to increase the end rate, have a lower cost impact for the employer – not15%. Regular step increases are never added to salary percentages in any bargaining. For example high school teacher step increases take those teachers well over the 3% per year, and university "progression through the ranks – PTR" increases do likewise. Even at 15%, college salaries would still be well below the midpoint between university and high school teachers.

Last Round of Bargaining

The management newsletter also states:

> *"In the last round, negotiations dragged on and the union went out on strike in the first week of March 2006."*

The fact is that in the last round, the contract that was awarded in March of 2006, after a 3-week strike, was essentially the same as the settlement offered by the Union to the employer in October of 2005. It would not be productive to review or speculate why that settlement was not accepted.   The Union went out on strike because there was no movement on workload issues. Among other elements which would have addressed issues for both parties, the Union had offered the establishment of a workload task force with an independent chair as a means to avoid a strike.

The way to avoid a strike – and that is certainly a goal of this faculty bargaining team – is to resolve the workload issues. The way to increase the likelihood of a strike is to ignore or to cherry-pick from the unanimous recommendations of the 2009 Workload Task Force, and to abandon and ignore the unanimous recommendations of the 1991 Wages and Benefits Task Force.

Ted Montgomery, for the bargaining team