

APUO BARGAINING BULLETIN

Employer files for conciliation...

To the surprise of the APUO bargaining team, the employer filed for conciliation last Friday, after bargaining for only two months, and despite our team's continued willingness to negotiate at the table.

This move is even more surprising because it is usually initiated by unions. According to the law firm *Fasken-Martineau*, whose clients are employers and not unions, employers usually only apply for conciliation when they are seeking major concessions or, for some reason, want to create a crisis.

The employer did exactly the same thing to the support staff union (SSUO) a few weeks ago, after more than a year of collective bargaining. The employer filed for conciliation without any notice to SSUO despite the union's commitment to a negotiated settlement.

Conciliation usually becomes an option only when no further productive negotiations seem possible. It can officially be requested by one party (without the consent of the other), and launches a legal timetable to force a conclusion to negotiations (see «Quick facts on Conciliation» on the next page).

NEXT STEPS

- **APUO:** Our negotiating team will continue to actively negotiate with the employer; The Executive will prepare for all possible scenarios; The Executive will likely call a Special General Assembly end of June or early July exclusively devoted to negotiations.
- **MEMBERS:** Plan to attend the special general assembly; Share your contact information using APUO's online form to ensure that we can stay in touch. <http://fluidsurveys.com/s/apuo/>

...even though progress was made at the table

Negotiations have been ongoing for a little over 2 months with the parties meeting several times each week. Though bargaining was not advancing at the pace we had hoped for, progress was achieved: a number of issues have been resolved and a few others seemed close to resolution (details on next page). However, negotiations have slowed down recently because the employer has repeatedly failed to provide information that is necessary either to substantiate its proposals or that it is legally obligated to provide under various articles in the collective agreement.

Furthermore, despite reasonable progress on some issues, the negotiating teams are still far apart with respect to:

Retirement & Pension Plan

The employer has made radical proposals to eliminate severance pay at retirement (a value of about \$90,000.00 per member); to increase APUO member contributions (but decrease employer contributions); to reduce the overall pension benefit; to raise the age of retirement to 65 from 60 and to shorten the transition to retirement to 2 years from the current 3. All of this with no corresponding increase in benefits, and modest economic increases of 1.2% for 2012-2013, 2% for 2013-2014, and 2% for 2014-2015, without any catch-up to our comparator group (we are 3% behind the other Ontario universities in this group).

Limited Term Replacement Professors (LTRP)

APUO remains committed to transitioning its 31 LTRP members into regular tenure track positions with slightly higher than average teaching loads, as possible under article 22.2.1.5. The employer, on the other hand would create 42 new *special* permanent positions with 200% of the normal teaching load (up to 10 courses), turning them into «teaching only» positions. Criteria for tenure and promotion of these members also remains a divisive issue between APUO and the employer.

Having said that, and even though the employer has yet to make a case for any pension plan reform, these issues were still open at the table, and the APUO negotiating team remains ready to discuss them proactively, in the best interests of its members.

Agreed upon Articles

Accommodation (article 8): Clarifies the definition of discrimination and the role of the employer, employee and the Association regarding the duty to accommodate.

Processing recommendations and decisions (article 5): Establishes the employer's legal duty to ensure procedural fairness in all decision processes.

Child care: Establishes a working group to study how to create additional childcare spaces on or near the university campus for the U of O community.

Language requirements (article 11): Encourages members to take the bilingualism test early and often; ensures test results are confidential until a member chooses to release them.

Articles close to an agreement

Academic leave (article 26): To reduce delays, academic leave applications approved by a DTPC, FTTPC and Dean will no longer be reviewed by the Joint Committee for final approval.

Arbitration (article 4): In the future, parties will rely on traditional arbitration rather than final offer selection when monetary issues are unresolved.

FIPPA (Freedom of Information, Protection of Privacy Act): Ensuring that any disclosure of records is subject to article 9 (Academic Freedom) and protects the privacy of APUO members' personal information; informing members know when a FIPPA request concerns them.

QUICK FACTS ON CONCILIATION

Once a party has applied for conciliation:

- The Minister of Labour appoints a conciliator to help the parties resolve their differences and reach a collective agreement. It can take between 10 days to a few weeks for the conciliator to be available.
- The conciliator attends at least one bargaining session in an attempt to reach an agreement but will assist for as long as both parties find it constructive and helpful.
- If one or both parties conclude that conciliation is not working, the Minister files a No-Board report as soon as requested by one party. Once the No-Board has been issued, there is a period of 17 working days (during which intensive negotiations are still possible) at the end of which: 1. the members begin a strike action; 2. the employer imposes a lock out; or 3. the employer unilaterally re-writes the collective agreement.
- Conciliation does not inevitably lead to one of the three previous scenarios, but it would be irresponsible for APUO not to prepare itself for the possibility of strike, if only because a strike could prevent the employer from locking employees out or unilaterally re-writing the collective agreement. In the meantime, our negotiating team will keep on doing its best to reach a fair and equitable agreement at the negotiating table.

Terms used in collective bargaining

No-board report

A part of the conciliation process which starts the clock ticking to a strike or lockout. Seventeen days after the release of the no-board report by the Minister of Labour, the parties are in a legal strike or lockout position (subject to other conditions having been met). The term "no-board" refers to the decision by the Minister not to appoint a conciliation board to deal with the dispute.

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ISSUED MONTHLY AS EVENTS UNFOLD DURING COLLECTIVE BARGAINING.