

APUO BARGAINING BULLETIN

EMPLOYER PUTS AN END TO CONCILIATION AND REQUESTS A 'NO BOARD'

As you probably know, on Friday July 19 2013 the employer officially requested that the conciliator call for a No Board report. The employer's unilateral decision has triggered the 17-day countdown which allows for the employer to unilaterally rewrite the collective agreement, to impose a lockout or a union to be on strike. The employer chose to do so even though the APUO has continuously and explicitly expressed our desire to continue negotiations and despite the fact that on July 12, in the presence of the conciliator, the employer agreed to the APUO's suggestion that the conciliation process be left open after the planned mediation scheduled for August 3rd and 4th (as outlined in Bargaining Bulletin 7).

The employer's decision to unilaterally force an end to negotiations by calling for conciliation and a 'No Board' is without precedent at our university, and one with very significant consequences. This aggressive approach forces us to reevaluate the situation, yet again, and to prepare us adequately for what will come next. You will therefore receive additional information regarding the situation and the next steps that we will be facing following the last choices made by the employer. For now, however, we want to take of the current situation and clarify the false statements that have recently been made by the employer:

1. At every stage of these negotiations, the employer has aggressively moved to curtail and limit negotiations. It was the employer who unilaterally initiated the conciliation process, after less than 2 months at the table (though they were 1 month late), at the beginning of the summer. The employer refused to allow the APUO to be fully prepared for conciliation, while in the meantime bargaining in good faith, by claiming that it couldn't wait for a month. Yet, the employer told another union on campus (IUOE) that it needed 3 months to prepare for their conciliation process. The employer initially rejected the APUO's proposal for mediation (instead of conciliation), then subsequently accepted it but only once conciliation was over. After the 2 planned days of conciliation, the APUO offered to the conciliator and the employer that the conciliation process remains open, and that a «No Board» report is therefore not to be requested. The conciliator AND the employer accepted there and then. One week later, the employer denies its commitment and asks the conciliator to recommend a No Board report in order to trigger the legal 17-day countdown to a unilateral rewriting of the collective agreement, a lockout or a strike;
2. Contrary to what the employer is claiming, the APUO has not cancelled conciliation sessions or any other session that was to follow the two days of conciliation. The agreement signed by both parties called for two days of bargaining (July 4 and 5) before the conciliator shows up as initially planned, two days of conciliation (July 10 and 12) and two days of mediation (August 3 and 4). The employer knew that the conciliator would not be available the following week, just as it knew that not all of its team members and the APUO's team members would be available that same week. To pretend otherwise is simply false and deceitful;

3. The employer's claim that the APUO has refused for 3 weeks to respond to its global financial offer is also dishonest and contrary to reality. During these negotiations, it has consistently been the employer, and not the APUO, that has dragged its feet at the table. It is the employer's team (and not the APUO) that showed up a month late at the bargaining table, without even being ready to table all of its proposals in a written, detailed, and complete form. Even though it was the employer that initiated the conciliation process, it was not ready to begin on time on the first day of conciliation. Most of that first day was spent waiting for the employer's proposals. More fundamentally, it is not possible for the APUO to give a definitive answer to the employer regarding its global financial offer until we are given the information needed to properly analyze all of its implications, in accordance to the collective agreement. It is because the employer is knowingly violating the collective agreement by refusing to give us the information we are entitled to that we are not able to give a comprehensive response on its offer. The APUO has repeatedly asked for that information over the last months (and indeed years). In other words, the employer is being dishonest to the point of accusing the APUO of not giving them an answer, even though it is it (the employer) that is preventing us from answering its offer by not fulfilling its legal obligation to give us the necessary information. It is simply absurd and misleading for the employer to try to justify its request for a No Board by the absence of an APUO response, when it is the one that is making it impossible for us to put forth such an answer.

The employer's aggressive and uncompromising approach towards the APUO is similar to the one used in its negotiations with the support staff union (SSUO). Even though their negotiations began roughly before ours (the employer dragged its feet with them the way it traditionally does with us), and many of their issues are different from ours, the employer filed for conciliation at virtually the same time it did with us (about a three-week difference).

Next steps

The APUO remains committed to a fair and equitable settlement for all of its members, and will evidently not be pushed into a less-than-acceptable settlement that does not support the quality of education, nor meets the legitimate and reasonable expectations of our members, and the larger community on campus. Consequently, following the employer's last actions, and in order to avoid an unilateral rewriting of the collective agreement or a lockout as early as August 8, the APUO will be asking for a strike mandate at the Special General Assembly (SGA) of July 31st. All relevant details, including the actual wording of the question, will be sent to members by email over the next few days.

Please take the time to read these communications carefully, and do everything you can to be present at the upcoming SGA!

As always, we are grateful for your continued support, and look forward to your comments.

Sincerely,

The APUO Executive Committee