

Chief Negotiator's Report

October 1, 2012

The legislation introduced by the McGuinty government entitled Protecting Public Services 2012 will have a huge impact on future negotiations and represents an unprecedented attack on the right to collective bargaining. Already the chill of this legislation has affected academic unions still in negotiations whose employers are retracting previous financial offers or trying to make the unions accept language in their Collective Agreements that would eviscerate their academic freedom and protections within the tenure system.

So far this is draft legislation and it is quite likely that it will be amended before being adopted. It is doubtful that the NDP will work with the Liberals to pass this legislation so the more likely scenario is that that Conservatives will require amendments to the bill in return for their support. The final version, therefore, might be even worse than this draft.

How does it affect us?

Our sector is governed by Schedule 2 of the legislation.

Under the legislation, all future Collective Agreements will have to conform to “mandates” that have not yet been defined. It is likely that these mandates will call for zero scale increases and no CDIS but they could also affect non-monetary aspects of our Collective Agreements.

In the next round of negotiations, employer s and unions will have to work within the mandate that applies to them.

When the employer and union settle, the employer will have to submit their Collective Agreement to the Minister (not clear which one but probably Finance or Government Services) with a certificate that attests as to how they complied with the mandate. The Minister will review the Collective Agreement or perhaps delegate such a review and within 8 weeks or 40 working days will return a decision.

The decision could be : a) agree that the Collective Agreement complies with the mandate and is acceptable b) refer the Collective Agreement back to the parties to make it compliant with the mandate or c) impose a Collective Agreement if it seems that the parties are too far from the mandate.

Under this process, arbitration becomes meaningless and as a union we lose control over our bargaining process.

The legislation also gives the employer the right to ask the Minister to impose a Collective Agreement. Unions do not have a corresponding right.

What about our right to strike?

The legislation does not outlaw strike but rather makes strikes pointless. A union could elect to go on strike but since the Minister can impose a Collective Agreement, any strike would be futile.

This legislation goes further than any previous interference in Collective Bargaining. It provides for micromanagement of our workplaces that we have never before experienced.

If you would like to examine this bill, here is a link: <http://www.fin.gov.on.ca/en/savings/protecting.html>

OCUFA and the legislation

OCUFA is representing us in the fight against the McGuinty government's recent attack on our rights to bargain through its legislation: Protecting Public Services 2012.

OCUFA has already provided several briefings with Stephen Barrett, managing partner at Sack, Goldblatt, Mitchell, and will continue to provide analysis of the legislation.

Some of the options that OCUFA is considering include:

- ⊗ Participating in a charter challenge to the legislation
- ⊗ Hosting electronic town halls on campuses to provide an opportunity for discussion. They will also provide material informing members about the government's attack on our constitutional rights, the future implications of this legislation and other government initiatives that are having a profound impact on universities.
- ⊗ Developing a social media campaign that will target MPPs who support the legislation, attract sector-wide and community support
- ⊗ Using the OCUFA website to support this campaign
- ⊗ Participating in provincially coordinated local mobilization initiatives
- ⊗ Organizing a tour of academic staff associations to discuss initiatives and get feedback.

OCUFA is coordinating with the Ontario Federation of Labour and will be working with sympathetic parties and MPPs.