



Background

Members of the UOITFA have been without contract since July 1, 2010. The UOITFA has been negotiating with UOIT's Administration since December of 2010. UOITFA is proposing changes to the Collective Agreement that serve to normalize our working conditions. Although there are several articles on the table, the UOITFA (on behalf of the membership) is seeking a tenure structure in-line with most other universities in the province. We also seek a pay structure that resembles all other universities in the province. More detail about what other universities have with respect to compensation (salary) and pay structure is outlined in Bargaining Update #4, which came out June 20, 2011, and is posted on our website at <http://uoitfa.ca/>.

The administration has countered with the argument that we are "different at UOIT." However different seems to translate into one of the lowest paid faculty, with the lowest benefits in Ontario. We are not that "different" than any other university in the province; we all do Research, Teaching, and Service.

The administration continues to push a merit structure which many universities have abandoned for a number of reasons. Their past merit structure and overall low total compensation has led to our declining pay status. The current tenure structure discourages mentorship, is labour intensive, and stretches over 18 months, making it difficult to administer. The administration has made little effort to reconcile these problems.

The administration is happy to keep the highly unusual tenure and compensation structures as they currently stand. This not only makes our working conditions more difficult as we move through these processes, but also makes our university unattractive to potential candidates. This can translate into higher turnover of faculty and a potential loss of our best talent. We are seeking change to a more normalized work environment.

To do this, we continue to negotiate with administration, although with little movement. It is now time to start moving to the next steps in the bargaining process. The steps in bargaining are as follows:

The Bargaining Process

- **Normal bargaining** (where we are now) – meetings are scheduled between UOITFA negotiation team and UOIT Administration negotiation team – we negotiate articles, provide clarification and answer questions.
- **Intensive bargaining** (done off site, intensive, consecutive all day sessions: currently planned for August 15–17) – same process as normal bargaining – but the timeline is condensed.
- **Conciliation** (can be requested by either side and is a necessary step if there is no movement by either party - last time the UOIT administration requested it) - Conciliation is a process offered by the Ministry of Labour to provide help in reaching a collective agreement. Either party may apply to the Min-



istry for a conciliator. Conciliators focus on getting a collective agreement settled. Conciliation is mandatory in the sense that the parties must use the government's conciliation services before they can engage in a strike or lock-out.

- **Mediation** (optional - both parties have to agree) – mediation involves an unbiased third party who helps the parties negotiate a settlement. In mediation, the mediator tries to guide the discussion in a way that optimizes the parties' needs.

- **Arbitration** (optional - both parties have to agree) - Arbitration is a process where an unbiased third party (an arbitrator) hears evidence presented by both sides on issues in dispute (i.e., the articles which are open that we want resolved), and eventually makes a binding decision. The decision could reflect a proposal presented by either side, a decision that has elements of both parties' proposals, or a decision that does not resemble any proposal put forward. Arbitrators will look at other Collective Agreements in the sector and other awards given.

- **Lock-out/Strike** (LAST resort - they lock-out or we choose to strike)

Lock-out – the closing of a place of employment or a suspension of work. This is done to compel the employees to accept changes to a collective agreement (i.e. – UOIT prevents us from coming to work)

Strike - a refusal to work, or a slow-down by employees designed to restrict or limit output (i.e. – we collectively decide to not work or to reduce our work)

To get past the conciliation process and push the employer to the next phases of bargaining, such as mediation, arbitration, and so on (if the Employer does not wish to come back to the table) we have to have a strike mandate

We will do everything we can to use all stages in the process to avoid a strike, if administration is willing.

FAQ: Strike Mandate

Strike preparedness sends a strong message to the employer about the unity and conviction of members of the bargaining unit. It also sends an unequivocal message that the membership stands behind its Negotiating Team.

The following FAQ provides important background information, addresses basic logistical questions about the strike/lock-out process, and makes recommendations for personal strike/lock-out preparedness. We would like to thank UWOFA (University of Western Ontario Faculty Association) for creating the source document and we unabashedly are modifying it only slightly for our specific organization's needs. The original can be found at <http://www.uwofa.ca/bargainingupdates/id:14>.

What is a strike vote?

A strike vote is a vote taken among employees in a unionized workplace to authorize a strike. If successful, it provides the union with a strike mandate.

A strike vote is NOT a vote on whether or not to actually call a strike. Rather, it is a vote by the membership on whether to give the UOITFA Executive Board the authority to call a strike if and when the Executive Board concludes that such a step is necessary to reach an acceptable agreement. A majority vote is sufficient to pass a strike vote. ***The stronger the vote, the less likely a strike may be, as it alerts the employer of the collective strength and resolve of its membership.*** In fact, a YES vote, with a strong mandate is the best way to secure a fair and equitable collective agreement without a strike. Many university faculty associations have reached settlements with their employer only after a strike vote.

Do negotiations continue after a strike vote?

Yes. Both sides continue to negotiate in an effort to achieve a collective agreement. Negotiations usually continue even after a strike vote.

What is a Strike?

Legal strike action is the right of unionized workers to withdraw services or refuse to work (or continue working) with the aim of demonstrating the collective concerns and resolve of the bargaining unit. A strike is not an end in itself, but rather a means to obtaining a fair and equitable collective agreement. Legal strike action does not happen overnight and it is not a decision that is taken lightly. Note that even a partial refusal of usual duties, even ancillary ones (e.g.: refusal to turn in marks or to participate in administrative meetings), is also considered a strike. If a union hasn't had a strike vote and no-board, it would be an illegal strike, with the union subject to penalties.

How can I help UOITFA reach a fair and equitable settlement with the Employer?

At this point, you can help by attending general meetings and talking about issues with your representatives, UOITFA officers, and other UOITFA members.

What is conciliation?

To aid negotiations, either an employer or a union may ask for third-party assistance, including conciliation. Conciliation is the process by which a facilitator appointed by the Ontario Ministry of Labour acts as a broker between the opposing parties in order to facilitate communication and ultimately reach a settlement. The process is non-binding, but at least one meeting with a conciliator is required by provincial law before a strike or a lock-out can occur. If conciliation fails, the parties must wait 17 days after which, a "no-board" report is issued. Once this report has been issued, either side can then engage in legal strike (UOITFA) or lock-out (UOIT Administration). Although only one session is mandated, the parties

can agree to more than one if there is a feeling that a settlement can be reached.

What is a No-Board?

It is not the function of the conciliator to make judgments on the merits and positions of each side; he or she may make suggestions to either or both sides, but these suggestions are not binding and may be accepted or ignored. If conciliation leads to agreement on a proposed contract, the proposed agreement would be submitted to the bargaining unit membership and to the UOIT Board of Governors for ratification. After one session with a conciliator, either side can call for a no-board, though negotiations can (and usually do) still continue. If the conciliator feels he or she cannot affect an agreement or if either side calls for a no-board, the Ministry of Labour will issue a letter stating that a Conciliation Board will not be appointed (the so-called "no-board" report). After a period of seventeen days following this no-board report, a strike or lock-out is legally possible. A no-board report does not mean a strike (or lock-out) will occur; the decision to strike or lock-out can be kept in abeyance until any point in time.

What is a Lock-Out?

A lock-out occurs when the employer denies access to the workplace in order to exert pressure on

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the union and its members to settle on the employer's terms.

Does a strike mandate lead to a strike?

In most cases, NO. Often a strike mandate alone is sufficient to get the Employer to take the union seriously in negotiations. There is an extensive process that must occur before UOITFA would take a strike position. **First**, UOITFA, the Employer, or both apply for conciliation; **second**, a conciliator is appointed and conciliation dates agreed to; **third**, there is at least one conciliation meeting in the attempt to reach an agreement, **fourth**, conciliation fails; **fifth**, the conciliator issues a no-board report; and **sixth**, there is a seventeen day waiting period. After all of these steps, the UOITFA Executive Board would call a strike if and when there seemed to be no other way to reach a collective agreement. After seventeen days, the Employer could lock-out UOITFA members. A strike or lock-out does not happen overnight; there is plenty of advanced warning and significant planning involved.

Do I need to be worried about a possible strike or lock-out?

At this stage, NO. However, you should be aware that a strike or lock-out is possible, and you should become familiar with the vocabulary and practice of legal strike action. It is important to learn about the issues at stake. While a strike is unlikely, it is always important to be financially prudent and to plan ahead. In university bargaining, strikes are much less frequent than strike mandates, and lock-out is a rare event (only one) at Canadian universities.

How much is strike pay?

Striking UOITFA members receive financial support in the form of strike pay. UOITFA is a member of the CAUT Defence Fund. If UOITFA is on strike, this fund dispenses to the union strike pay from its \$22-million reserves an amount equal to \$80 per member of the bargaining unit for each of seven days of the week. These non-taxable funds are distributed by the union only to those members who perform strike duty (such as picket duty or other equivalent work for the strike headquarters).

What about my benefits?

Most employers allow benefit plans to continue through a strike if the union covers the cost. If the employer is being punitive and resists the continuation of benefit plans, alternative arrangements are in place through the CAUT Defence Fund and CAUT. Regardless of coverage, it is to your advantage to purchase eyewear, visit the dentist, stock up on medications, and schedule other routine medical procedures covered by our benefits prior to a strike or lock-out deadline.

What must I do to qualify for strike pay?

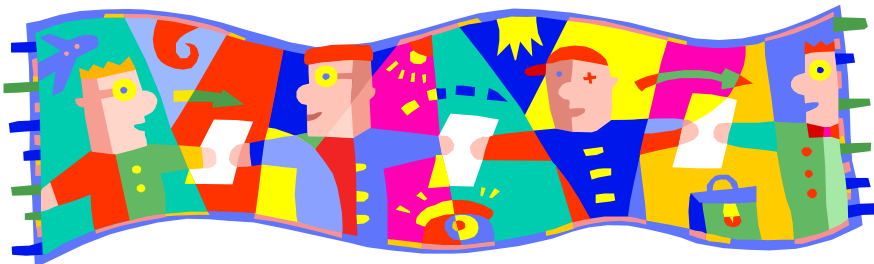
You must withhold your labour from the employer and remove yourself from campus. There are some exceptions for certain limited circumstances approved by the Strike Action Committee (SAC; see below), which can provide passes to cross the picket line. All striking members must cease teaching, supervision, coaching, and administrative duties. Members must not hold classes off-campus or ask TAs to take over their duties (both are considered strike breaking activities). You must participate in strike duty assigned by the SAC. You must sign in for strike duty each day to receive strike pay.

Will I have access to campus during a strike or lock-out?

No, except under limited circumstances where the SAC (Strike Action Committee) has issued a picket line pass (e.g., to feed lab animals, etc.). Even those members who receive passes must participate in all other strike activities, such as picket line duty. It is useful to begin thinking now about what you might need to remove from your office or lab prior to a strike deadline.

Will I have UOITFA email access?

At some universities, the union and administration have signed protocols that permit for the continued use of university email; some other universities do not. Because our employer may prove to be punitive and restrict



email access, we ask every member to retain an outside email account and to notify UOITFA of his/her alternative email address. The alternate UOITFA email address in the event of a strike will be uoitfa@gmail.com.

Will I receive strike pay if I am on sabbatical, parental/maternity leave, or disability leave?

It is UOITFA's position that members on sabbatical, disability, and parental/maternity leave should be considered as not participating in the strike action, and should continue to receive pay and benefits from the employer. At this point, we do not know what the employer's position would be in these circumstances. If the employer decides to act punitively, the union will provide financial support at the same rate as those members who can participate in strike duty.

If I am a program chair, program director, or assistant dean do I have to go on strike?

Yes, if program chairs, directors, and assistant deans are members of the bargaining unit, they will have to go on strike.

What sort of financial preparations should I make before a strike or lock-out?

It is never too early to begin thinking about prudent financial preparations for a potential strike or lock-out. If a strike or lock-out appears to be imminent, you should consider contacting your bank managers, mortgage officials, or other financial advisors and inform them of potential strike or lock-out. You should be aware that some credit card companies and banks offer insurance in case of strike or lock-out, and can also make alternative payment schedules. You will need to check with your own financial institutions. If you have expenditures that need to be reimbursed by the university, it is to your advantage to submit receipts in a timely manner.

How can I stay informed and get involved?

We will be setting up a Facebook page for the UOITFA. Details about this feature are still to come. However you can contact any member of the executive and/or your FA representatives to find out more details as they become available.

Who should I contact if I have additional questions?

If you have additional questions, please contact any member of the UOIT executive or your representative for your Faculty. You can contact the UOITFA Office at 905-721-8668 X 2049, or you can email members directly at their non-UOIT addresses. These are listed on the webpage under "executive" at <http://www.uoitfa.ca/>

Strike preparedness sends a strong message to the employer about the unity and conviction of members of the bargaining unit. It also sends an unequivocal message that the membership stands behind its Negotiating Team.

What are the next steps?

The collective bargaining process requires careful and extensive preparation, and part of this preparation includes the formation of a **UOITFA Strike Action Committee (SAC)**. While UOITFA continues to bargain in good faith with the Administration with the goal of reaching a fair and equitable collective agreement, our members need to begin preparing for the possibility of a "no-board" report, which would put us in a legal strike or lock-out position seventeen days later. No union enters negotiations with the intention of facing a strike (or lock-out), but UOITFA would be remiss in its duty to represent its members and further their goals to the maximum extent provided by labour law if we did not plan for the possibility of a strike. If you would like to be part of this committee, please contact Brad Easton at beaston18@gmail.com or Sue Coffey at sgc0487@gmail.com. **No experience is necessary, and training and support is received from OCUFA, CAUT, and other university faculty associations.** Service on the SAC counts towards service to the university as it is service to the FA. This committee works best when there are at least 5 members.

Please remember that strike is always the very last option for negotiations and we all hope for a speedy and amicable agreement with no disruptions.

In Service, Your UOITFA Executive.