

# Négociations 2011 Negotiations

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**Please note: This bulletin is intended for information only.**

## NEGOTIATIONS UPDATE #13

Please find below an update on the status of collective bargaining.

### CONTEXT

- As you are well aware, the APUO and the Employer have been attempting to negotiate a new collective agreement for over a year and a half.
  - APUO gave notice to bargain 18 months ago.
  - The Employer was not willing to meet until two months later – after the Collective Agreement had already expired.
  - In an attempt to expedite the negotiating process, APUO has repeatedly tried to schedule longer and more frequent meetings with the Employer, but has been rebuffed on all fronts.
  - While we have been attempting to move negotiations forward, the Employer's team has been doing the opposite. A good example of this is their monetary proposal. We did not receive an offer until 15 May 2012, more than 11 months after face-to-face bargaining began, and more than a year after the Collective Agreement had expired.
    - At first, the Employer waited for the conclusion of the provincial election (6 October 2011);
    - Then, it waited for the release of the Drummond Report (15 February 2012);
    - Then, it waited until the Ontario budget had been tabled (27 March 2012);
    - The Employer then claimed it wanted to wait until the University's 2012-2013 budget had been finalized for the Board of Governors before discussing salaries (including our 2011-2012 salaries, which will come from the 2011-2012 budget, not the new one). The 2012-13 budget was approved by the Board of Governors on 28 May 2012;
    - Today, the Employer continues to stall, likely in the hope that the Ontario Government's bill on freezing Kindergarten to Grade 12 education workers' salaries (Bill 115, ironically named "Putting Students First Act") be expanded to include Universities before being passed at the Ontario Legislative Assembly.
  - The Employer's side proposals have also demonstrated that bargaining in a timely and efficient manner is not a priority. For example, the monetary proposal it put on the table was notably short on details, and the Employer's team has yet to answer several questions regarding the substance and basis of its proposals.

- Every other university in Ontario that began bargaining at the same time as the University of Ottawa has long since concluded negotiations and signed a new collective agreement. Several other universities that began bargaining *after* the University of Ottawa have also concluded negotiations, including the *University of Toronto Faculty Association* (UFTA), to name but one.
- *In the 2 August Negotiations Update #12, we reported that:*
  - The APUO and the Employer were far apart on their monetary proposals – and that binding arbitration was a likely outcome (binding arbitration on monetary issues can be triggered upon resolution of all non-monetary issues).
  - The final non-monetary issue left to resolve was parking. Both the APUO and the Employer agreed that if a resolution was not possible, parking would not prevent them from proceeding to binding arbitration. In fact, the Employer requested in writing that parking be included in the arbitration package.

### **IT IS TIME TO CONCLUDE THIS ROUND OF NEGOTIATIONS**

- We strongly believe it is time to end this round of collective bargaining. Members have made it very clear they do not believe negotiations should take this long.
- APUO would prefer to reach a settlement at the table. However, given the fact that the Employer apparently feels no need to conclude negotiations in a timely manner, we must explore other options.
- Since the Negotiations Update #12,
  - The APUO submitted three distinct proposals to the Employer regarding parking. The Employer rejected one, and has yet to respond to the other two.
  - In keeping with the assumption that all non-monetary issues had been resolved, APUO has been moving towards binding arbitration as the next step in concluding negotiations. The APUO filed its final salary offer for binding arbitration and named its appointee to the arbitration panel on Thursday, 10 August.
  - The Employer failed to respond with its final offer and panel appointee within the prescribed ten working days, and now stands in violation of the Collective Agreement. Consequently, the parties are unable to proceed with the nomination and selection of an arbitrator to hear the submissions.
  - Furthermore, on 29 August, the Employer notified the APUO that, contrary to previous assurances, it no longer considers non-monetary items to be settled. It has even proposed to open discussions on new articles, contrary to generally accepted principles of negotiation.
- The APUO believes we need to conclude negotiations immediately.
  - These delays and stalling tactics are unacceptable. APUO members are now entering their second year without a negotiated pay increase to offset inflation.
  - The APUO feels that the Employer is delaying or avoiding moving towards a final resolution on salary issues in the hopes that it can benefit from a provincially-legislated wage freeze.
  - Consequently, the APUO sent a letter on 5 September 2012 to the Ministry of Labour asking for the appointment of an arbitrator to resolve salaries (the remedy provided in Appendix C of the Collective Agreement where one party requests final arbitration and the other refuses to agree) and possibly parking (as suggested in writing by the Employer).

### **THE APUO WILL CONTINUE TO DO EVERYTHING IN ITS POWER TO MOVE TOWARDS A FINAL CONCLUSION OF NEGOTIATIONS**

- The APUO will meet with the Employer on 10 September, in the hope of receiving an Employer offer on salaries and parking.
  - If the Employer tables a substantially revised proposal that is acceptable to the APUO, we could have an agreement very soon.

- If there is no significant movement on the part of the Employer, and no reason to believe that an acceptable agreement is forthcoming, possible next steps are the following:
  - Should both parties come to an agreement on the parking issue, we will continue with the binding arbitration process;
  - If the Employer continues to use the parking issue to stall negotiations, APUO may need to prepare for conciliation (necessitating a strike vote at some point), while the process initiated by our letter to the Ministry unfolds.
- Thank you, as always, for your support. We are doing everything we can to conclude these negotiations and appreciate your support. We will continue to keep you updated in a timely manner.
- Your thoughts and opinions are important to us. Please submit comments/opinions/feedback to us by email at [apuo@uottawa.ca](mailto:apuo@uottawa.ca).