



Hicks Morley Hamilton Stewart Storie LLP
77 King St. W., 39th Floor, Box 371, TD Centre
Toronto, ON M5K 1K8
Tel: 416.362.1011 Fax: 416.362.9680

TIMOTHY P. LIZNICK
tim-liznick@hicksmorley.com
Direct: 416.864.7317
Cell: 416.454.3347

Toronto
Waterloo
London
Kingston
Ottawa

File No. 573 - 361
November 1, 2021

VIA EMAIL
STRICTLY PRIVILEGED & CONFIDENTIAL

Hon. Monte McNaughton
Minister
Ontario Ministry of Labour, Training and Skills Development
(Minister.MLTSD@ontario.ca)
400 University Avenue
14th Floor
Toronto, Ontario M7A 1T7

Dear Minister:

**Re: College Employer Council and Ontario Public Service Employees Union –
Colleges of Applied Arts and Technology – Academic (CAAT-A) Collective
Bargaining**

I am legal counsel for the College Employer Council (CEC). I write on behalf of the CEC to request that you appoint a Conciliation Officer in these negotiations for a renewal of the academic collective agreement which expired on September 30, 2021.

Pursuant to section 3 of the *Colleges Collective Bargaining Act, 2008 (CCBA, 2008)* the OPSEU CAAT-A bargaining team served notice of desire to bargain on the CEC on July 2, 2021 (copy attached – misdated July 2, 2020). The Parties then met in virtual bargaining on July 7, 8, August 3, 4, 5, 10, 11, 12, September 9, 10, 14, 15, 17, 23, and 24, 2021. The Parties then, on mutual agreement, engaged Mediator M. Brian Keller to assist the Parties in attempting to conclude a renewal collective agreement. The Parties met in mediation on October 1, 12, 14 and 19, 2021. Mediator Keller reached his Mediation Report to the Parties on October 28, 2021 (copy attached).

In his report, Mediator Keller found that no path to settlement of the collective agreement now exists:

I have considered the documents received from the parties. I have reviewed and analyzed them. I have concluded, albeit reluctantly, that I see no path to settlement with the current proposals from the CAAT-A team still outstanding.

At the outset of the mediation, it was apparent to me that the CAAT-A team's proposals were highly aspirational but not realistic. They represented what I have to characterize as the hopes and dreams of at least some of the bargaining unit and the CAAT-A team. But they were not, in my opinion, designed to result in successful negotiations. And, I believe, most if not all of the members of the CAAT-A team knew and understood that.

It is not my role, as mediator, to question the strategy of either party. Whatever the strategy of the CAAT-A team was or is, however, it is evident to me that the strategy is faulty if the true goal of the CAAT-A team is to achieve a renewal collective agreement through negotiations with the CEC.

In the circumstances, the CEC asks that you appoint a Conciliation Officer pursuant to subsection 5 (1) of the *CCBA, 2008*.

Given the extensive mediation efforts that were undertaken with Mediator Keller and his inability to conclude a collective agreement, we further ask that the appointed Conciliation Officer immediately consult with the Parties and issue a report to you that a collective agreement has not been settled pursuant to subsection 7 (3) (b) of the *CCBA, 2008* and that you then inform the Parties of that report pursuant to subsection 7 (4) of the *CCBA, 2008*.

Yours very truly,



Timothy P. Liznick

/TPL
Enclosures

- c: Travis Kearns, Manager Mediation Service (Travis.Kearns@ontario.ca)
Warren (Smokey) Thomas, President, OPSEU (wthomas@opseu.org)
Steve Nield (snield@opseu.org)
Graham Lloyd, CEO, CEC (Glllyod@collegeemployercouncil.ca)