



March 9, 2022

Mr. Graham Lloyd
Chief Executive Officer
College Employer Council
130 Queen's Quay East
Toronto, Ontario M5A 3Y5

Dear Graham:

On March 2, 2022, faculty at Ontario's 24 public colleges began Phase 3 of the work-to-rule campaign. This action by our members is part of a legal strike action under the *Colleges Collective Bargaining Act* (CCBA). The decision to proceed with Phase 3 follows the membership's rejection of the College Employer Council's forced offer on February 18, 2022.

As part of Phase 3, our members will use their discretion to rely on their knowledge and expertise to determine the most effective mode of delivering courses and services, based on what is best for the course and students. They will determine how to best deliver courses assigned – including those classes scheduled for a return to physical classrooms, and how online courses should be taught. They will refuse to teach online and in-class simultaneously. They will not consent to having their classes recorded and posted on the college Learning Management Systems.

Any direction from college employers to our members to act contrary to Phase 3 of the work-to-rule campaign is a demand to perform struck work and effectively cross the picket line. Any such demand interferes with our members' lawful right to engage in strike activity.

Since the implementation of Phase 3, management at several colleges have asserted their own definition of "struck work" to exclude circumstances where our members use their discretion to determine the appropriate mode of delivering a course or service. We understand that the employer is considering discipline or other actions against members who do not follow the employer's demands to implement a particular mode of delivery.

OPSEU/SEFPO will not tolerate the employer's unlawful attempts to intimidate, threaten or penalize our members who participate in Phase 3 of the work-to-rule strike activity. I insist that you take all necessary steps to ensure each of the colleges ends these harmful intimidation tactics. If you fail to do so, our union will take the appropriate steps to protect our members, including pursuing further unfair labour practice applications at the Ontario Labour Relations Board.

More importantly, I encourage the CEC to return to the bargaining table and end this labour dispute. Our members have spoken in rejecting the CEC's forced offer. It is time for the parties to find a solution.

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We remain confident that the best deal can be reached through continued negotiations. If the CEC continues to refuse to come to the bargaining table, it should accept our offer to resolve this impasse through voluntary binding interest arbitration. The CEC's rhetoric that it is a system that simply "splits the difference" misrepresents how it works.

As you likely know, interest arbitration has been a common tool to solve bargaining disputes in Ontario, especially in the post-secondary sector. The CEC and OPSEU/SEFPO have used it on several previous occasions. It is directly incorporated into some collective agreements within the post-secondary sector, such as Ryerson University and the Ontario College of Art and Design University. Even when governments have ended post-secondary strikes through legislation – action to which we object because of its interference in the right to free collective bargaining pursuant to the *Charter* – they have imposed binding interest arbitration as the model for resolving outstanding disputes. The final offer selection model mentioned in the CEC's marketing material has been nearly universally rejected as an effective means of resolving labour disputes. The proposal is designed for rejection.

I expect you to make sure that management at the colleges stop their intimidation tactics and rhetoric, and that we all work toward bringing an end to this dispute.

Sincerely,



Warren (Smokey) Thomas
President, OPSEU/SEFPO

c: The Honourable Doug Ford, Premier of Ontario
The Honourable Jill Dunlop, Minister of Colleges and Universities
Laurie Rancourt, Senior Vice-President Academic, Humber College
Tim Liznic, legal counsel, Hicks Morley
All college presidents

Ontario Public Service Employees Union | www.opseu.org

Head Office: 100 Lesmill Rd., Toronto, Ontario M3B 3P8

Tel: 416-443-8888 **Fax:** 416-448-7469 **Toll Free:** 1-800-268-7376

TDD: 416-443-9898 or 1-800-663-1070 opseu@opseu.org

Syndicat des employés de la fonction publique de l'Ontario | www.sefpo.org

Bureau principal : 100, chemin Lesmill, Toronto (Ontario) M3B 3P8

Tél. : 416-443-8888 **Télex :** 416-448-7469 **Sans frais :** 1-800-268-7376

ATS : 416-443-9898 ou 1-800-663-1070 sefpo@sefpo.org