



June 16, 2021

Email: wthomas@opseu.org

Attention: Warren "Smokey" Thomas
President, Ontario Public Service Employees Union
100 Lesmill Rd.
Toronto, ON M3B 3P8

Re: Bargaining Team Composition

Dear Smokey:

I am writing you in your capacity as OPSEU's chief agent to inquire into the status of the OPSEU CAAT-A Bargaining team. It was brought to our attention in a recent publication entitled "College Faculty Update" published by the College Faculty Bargaining Team that they intend to change the conditions of bargaining by expanding the bargaining team.

In this regard, the April 2021 publication states that a motion was passed to invite Local Presidents and Bargaining Advisory Committee members from each Local (48 individuals) to observe the actual process of bargaining with the Employer at the bargaining table, a process sometimes referred to as "open bargaining". The stated purpose is to "hold the CEC accountable for what they say at the table. This will absolutely help to build member engagement, capacity, and solidarity."

In a recent conversation with Steve Nield, in his capacity as OPSEU CAAT-A lead negotiator, he advised OPSEU would not be proceeding with this open bargaining with more than 56 representatives. He advised it was not permitted by the OPSEU regulations/by-laws, and was not provided for in our Collective Agreement.

In this regard, the Collective Agreement, at Section 8.03 clearly provides that the bargaining team is seven employees. Since the inception of our bargaining relationship in 1968, all academic bargaining has been conducted between modestly sized bargaining teams on behalf of the Colleges and the Academic Bargaining Unit without an audience, with the respective teams reporting back to their respective principals as necessary. We are concerned that the Chairs of the Academic Bargaining Team may intend to attempt to change our bargaining process without so much as the courtesy of negotiation or consultation with the CEC.

Formal bargaining is expected to start in the next few weeks on July 5, 2021. I am seeking clarity directly from you since the last time we received communication directly from the Academic Bargaining Team Chairs, you acknowledged it caused confusion as to who spoke for the Union. You stated that communications should come from you since the certificate for the bargaining unit is held by OPSEU/SEFPO.

Therefore, I am taking this opportunity to ask you to please confirm that OPSEU does not intend to attempt to unilaterally change our bargaining process by substantially expanding its team or inviting an audience to bargaining.

As William Kaplan stated in his Internal Dispute Inquiry into York University & CUPE: ““Open bargaining” “bargaining from below,” and no deal with one unit unless there is a deal with them all, appears to be a recipe for one thing: position polarization and a succession of lengthy labour disputes.”

CEC, on behalf of the 24 colleges, has made some significant changes with a view to ensuring improved bargaining to avoid labour interruption. We have a new Chair, new legal counsel, new communications strategy, and a new CEO. We have adopted a theme for this bargaining round of “A Future Together” because we believe we must work together for the college system to continue to grow and modernize. The last thing our students need is more uncertainty after the year they have just faced, and the ongoing uncertainty of the current health and economic environment does not need added labour issues.

It is CEC’s goal to continue a harmonious relationship with its employees, which we believe we demonstrated throughout the last year working with OPSEU to ensure we continued to provide the safest work environments during COVID-19, including joint letters to the Ministry to ensure College employees were included in the vaccine roll-out, providing time-off for COVID-19 testing, paid time for course transitions, and full accommodation for those seeking time for vaccinations, and clear communications with stakeholders, just to name a few. We are optimistic that this approach to bargaining can avoid many of the issues faced in the last round.

We look forward to hearing from in order to clarify that OPSEU does not intend to attempt to unilaterally change our bargaining process.

Thank you very much.

Sincerely,



Graham Lloyd
CEO

c. Peter McKeracher, Vice-President, Labour Relations College Employer Council
Laurie Rancourt, Chair, Academic Bargaining Team, Humber College