

WLUF A BARGAINING ADVISORY

December 5, 2011

CONCILIATION

Why Do We Need Conciliation? A Strategic Analysis

As pointed out in a previous newsletter, requesting conciliation has been a common practice for WLUF A negotiating teams in many negotiations in the past and, historically, conciliation has been necessary in order to reach a tentative agreement. Conciliation may be requested at any time during negotiations by either WLUF A or the Administration. Conciliation is a necessary step to preserve your rights and must be done at the appropriate time to be effective. Filing for conciliation puts pressure on both parties to bargain in a more focused fashion to achieve a settlement, and starts the clock ticking toward putting the parties in a strike or lock-out position. As we have reported to the membership, the Administration has been reluctant to put its monetary proposals on the table, in part because of their regressive agenda on compensation, pensions, and benefits. Even though the parties are far apart, WLUF A remains committed to negotiating the best possible settlement in conciliation. Nonetheless, we also need to prepare for the possibility that a settlement may not be reached. After all, it takes two parties negotiating in good faith and bargaining effectively to make a deal. Your WLUF A negotiating team and WLUF A Executive have been carefully planning our course of action in these negotiations since the initial planning process began last February. Filing for conciliation is just a part of that careful planning process.

WLUF A informed the Administration on Tuesday, November 22, 2011 of our intention to file for conciliation by the end of November, 2011. On November 30, 2011 WLUF A filed for conciliation with the Minister of Labour.

Why Do We Need Conciliation? A Bargaining Analysis:

Conciliation should be seen to be a necessary step that we must take in order to expedite the progress of negotiations. WLUF A considers this a positive development since we have been taking the lead in pushing the Administration to bargain with us more seriously and to move forward at a faster pace.

In July, in a protocol meeting with Administration, we discussed the possibilities of when we might exchange proposals. At that point, both WLUF A and the Administration knew that we would need to be fully prepared and expect to exchange proposals at any time. Subsequently, we agreed to exchange proposals in September. It was WLUF A's understanding that all proposals, including monetary proposals would be tabled at that time.

WLUF A tabled all of our proposals, including all of those related to monetary issues. The Administration, however, tabled only non-monetary items and indicated that they were not yet prepared to table their proposals related to monetary issues. After some delay and pressing by WLUF A, the Administration did turn over their monetary proposals, as well as the data related to the University's financial statements that WLUF A had repeatedly requested. Yet, the Administration continued to indicate that they were not ready to formally present their monetary proposals.

As our bargaining has continued, WLUF A formally presented all of our proposals for the articles that we opened. Our presentations included all monetary proposals, both for compensation and for funding support, so that WLUF A's full package was presented and ready for discussion. This included handing over the research about the status of our salaries relative to other universities in Ontario. Upon receipt

of our research, the Administration indicated that they needed to do more research before responding to us.

WLUFA has continually encouraged the University to formally present their remaining proposals (all of which are related to compensation issues). In the meantime, WLUFA took the opportunity to present the reports we have received from our actuary and benefits consultant. Once presented, WLUFA had no other items, proposals or research results to bring to the table, and so there could be little forward motion for the negotiations until the Administration presented their monetary proposals.

At the time of going to press on December 5, the Administration has yet to present their monetary proposals despite their assurance that they would do so on December 1.

Your WLUFA bargaining team has worked hard and diligently to meet the deadlines agreed to by both the Administration and WLUFA in July. In contrast to the Administration, WLUFA has met those deadlines every step of the way. Conciliation will help expedite the negotiation process toward an agreement.

The Process of Moving Forward:

As mentioned, either the Administration or WLUFA can formally ask the Ministry of Labour to appoint a conciliation officer. Conciliation can be requested at any time during negotiations. If the request is in order, the Ministry usually appoints a conciliation officer to contact the parties and arrange a meeting. The conciliator acts as a facilitator for the bargaining process but it is up to the two parties to negotiate a settlement. If the parties fail to reach a settlement in conciliation, the union is in a position to strike or to be locked out by the employer.

If a tentative agreement cannot be reached, the conciliator reports to the Ministry of Labour that an agreement is not possible at this time. The Minister then issues a notice informing the union and the employer that he or she “does not consider it advisable to appoint a conciliation board.” Colloquially, this is called a “no-board report.” At that point the dispute is left in the hands of the parties. *Either party can request mediation/arbitration, but only with the agreement of both parties.* After a waiting period WLUFA would be in a legal strike position. When conciliation ends, WLUFA must be prepared for a strike. At that point WLUFA must have a solid strike vote and demonstrate that all preparations are in place for a strike. The Administration may try to save some money and management rights by waiting till the last possible moment, and table its last proposals only when the threat of job action is real and imminent. This has been a very common strategy used in the past two years by University Administrations all across Canada. We need to be prepared for the Administration to implement the same strategy.

As previously mentioned, at this time WLUFA does not see that a strike is needed or necessary. We are confident that a settlement can be reached. But, we must preserve our rights and prepare for any eventuality.

SUPPORT YOUR WLUFA BARGAINING TEAM.

DID YOU KNOW:

WLUFA has requested conciliation in most negotiations in the past because it has been very helpful in arriving at an agreement?