

# A message to CUPE 3903 members

– clarifying key issues relating to negotiations and the University's offer

## Why are there no talks currently underway between the University and CUPE 3903?

On December 1, 2008 the mediator released the statement set out below. Since then the mediator has remained in contact with the parties but has not scheduled further negotiation dates.

*The mediator has advised the parties that although there has been some movement in recent days, the parties remain far apart on the key issues in this dispute and that a settlement is not close at hand. Therefore, there are no further negotiations scheduled at this time. The mediator has asked to parties to review their respective positions and will remain in contact with the parties with a view to returning to the bargaining table if and when a reasonable prospect for settlement exists.*

## Has the University's proposal for binding arbitration prevented negotiations?

No. The University's strong preference continues to be for the parties to achieve a negotiated settlement.

Negotiations began in mid-July and the parties met on 29 days prior to the start of the strike. The University first proposed binding arbitration on September 16, nearly two months into negotiations, and continued to negotiate in good faith at the table until the union-imposed deadline of November 4, prior to the commencement of the strike. Since the commencement of the strike, we have twice returned to the table, at the request of the mediator, in an attempt to reach a settlement. Our proposal to refer outstanding issues to binding arbitration has not prevented, and will not prevent, negotiations at the bargaining table. In fact, when we returned to the table on November 27, the University made a number of significant new proposals to move us toward a negotiated settlement. For negotiations to succeed, however, both parties must make realistic proposals which can provide the basis for a negotiated settlement. The mediator continues to advise that the positions of the parties are too far apart for productive discussions to occur at the table at this time.

## Is the University stonewalling to "wait out" CUPE 3903?

No. When talks between the parties ended on November 29, CUPE 3903 was still demanding an increase in wages, benefits, funds and other monetary provisions in excess of 28% over two years. The University was recently advised by the mediator that CUPE 3903 has new proposals for some of the outstanding issues, but based on the information provided to the University, CUPE 3903's updated proposals would still represent a total monetary increase in excess of 20% over two years. Increases of this magnitude remain unrealistic, unaffordable and unsustainable. Simply put, updated proposals still seeking in excess of 20% over two years are not the basis upon which a negotiated settlement can be reached.

## What will it take to get the parties back to the bargaining table at this time?

The University must see evidence through the mediator that CUPE 3903 is prepared to significantly modify its proposals to create a realistic basis for settlement.

CUPE 3903 began negotiations in July by presenting the University with a 62 page list of its demands, which was entitled: Be Realistic: Demand the Impossible. As the strike nears the end of its sixth week and the union's demands continue to be in excess of 20% over two years, it would appear that their approach to negotiations continues to "demand the impossible." In order to allow us to move quickly towards a negotiated settlement, we urge CUPE 3903 to "be realistic" in its demands.

Members of CUPE 3903 already enjoy wages, benefits and other provisions which are among the best in Canada - this has been repeatedly acknowledged by CUPE 3903 itself. The University's offer builds on this comprehensive package of wages, benefits and other provisions enjoyed by CUPE 3903 members, with further increases in these provisions totaling 10% over a three-year collective agreement. While CUPE 3903 may believe that the wage, benefit and other provisions in the CUPE 3903 collective agreements are nowhere near the level at which they should be, CUPE 3903 must set its sights on what is realistically achievable within this round of negotiations, especially in view of the very difficult financial context which exists both inside and outside the University.

The University's offer to the union provides substantial gains to the union on many of its key issues, but there is a limit to what can be offered that is realistic, affordable and sustainable.

## Has the university asked for any concessions from CUPE 3903?

No. The University is seeking no concessions whatsoever in its proposals. The University's proposed increases in wages, benefits, funds and other provisions for a total value of 10% over the term of a new three-year collective agreement is fully incremental to the existing collective agreement provisions.

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## **Has the University provided a meaningful offer to address job security for contract faculty?**

Yes. The University is offering a new ongoing program of full-time faculty teaching stream positions under the YUFA Collective Agreement. These positions have an initial 5-year term and, after a successful review of the individual position-holders' teaching and service, are continuing with no fixed term, eliminating the need for future application or renewal.

The program offers a sustainable means of providing full-time faculty positions to long-service Unit 2 members. 10 appointments have been offered over the term of a new 3 year collective agreement, and additional teaching stream appointments may be negotiated in future rounds of bargaining from an open, ongoing pool of long service Unit 2 contract faculty.

The University does not agree with CUPE 3903's job security proposals which would guarantee jobs with near automatic renewal until retirement for over 60 members of a fixed pool at a salary and teaching load commensurate with full-time tenure stream professorial faculty but without research responsibilities. This proposal is neither compatible with the fundamental principles of department and decanal decision making in the hiring and renewal process for full-time faculty appointments, nor is it financially realistic, particularly in view of the extraordinary number of appointments that is being proposed, the automatic nature of the appointment process which would preclude input from the Department and Dean on these appointments, and the use of a fixed pool of eligible contract faculty.

## **Is the University prepared to negotiate aspects of its comprehensive teaching stream proposal?**

Yes. Starting salaries and teaching load are among the aspects of the proposal which the University is prepared to negotiate. So far CUPE 3903 has refused to enter into any discussions about the University's proposal.

## **Has the University offered to continue tuition protection?**

Yes. The University has proposed a continuation of the tuition protection already enjoyed by all Unit 1 and Unit 3 members for the term of a new three-year agreement. Continuation of tuition protection was included in the offer presented to the Union prior to the strike deadline on November 4. The University subsequently modified its tuition protection proposal on November 29 to respond positively to amendments requested by the Union. Following is the text of the University's proposal:

*"In the event tuition fee rates for graduate students (except MBA, IMBA, MPA, part-time LLM students, MHRM and MDes) are increased above the currently frozen tuition rates, as first announced by the University on September 28, 2005 and/or administrative or ancillary fees are increased, the administration ensures that members of the bargaining unit who register full-time and pay fees will not have their compensation eroded by increases to these fees for the term of this collective agreement."*

## **What has the University proposed regarding fund enhancements?**

The University has made a fund indexing proposal which is responsive to CUPE 3903's proposed fund indexing for future growth in Union membership. The University has also proposed increases to most funds in the 5-12% range which is reasonable and sustainable. CUPE 3903 has withdrawn its proposal to index the funds retroactively to 2005, but is still proposing a 95% increase to all funds, at a total cost of over \$800,000 annually, which is neither realistic nor sustainable.

## **Is the University operating at a large surplus?**

No. The University operating budget plan approved in June 2008, which has been provided to the union, shows annual deficits projected over the next 3 years, with 2% annual budget cuts being implemented in each of these years. Over the three year period of the budget plan, the cumulative budget cuts totaling 6% provide a clear indication of how constrained our financial situation was, even before factoring in the impacts of the recent turmoil in financial markets. The recent losses on our endowment funds, the increased uncertainty of our government funding picture, and the potential impact of emerging pension fund deficits on our operating budget will almost certainly exacerbate our already difficult operating budget situation.

## **Can the University afford CUPE 3903's demands in excess of 20% over two years?**

No. The financial impact of CUPE 3903's demands would require further budget cuts of at least 3% next year on top of the significant cuts already required over the next three years. Cuts of this magnitude are simply not achievable or sustainable, and would be devastating to academic and non-academic departments across the University.

**The University's Offer for Settlement is fair, affordable and sustainable. The University wants to settle this dispute by realistic and good faith negotiations at the table.**