



## Union Escalation, a FAQ For Students

March 14, 2022

Dear Students,

The past two years have been really hard for everyone. Every time we thought College life might be returning to normal, the pandemic would worsen, and situations across the globe developed. The continuation of your education is a priority for the College. It is therefore with much regret that we advise that on March 14, the OPSEU academic employees representing full-time and partial-load professors, instructors, librarians, and counsellors have given notice that they refuse to moderate their demands and they will withdraw their services starting a full walk-out strike on Friday, March 18, 2022.

Below is a list of Frequently asked Questions we have prepared to address some of the questions and concerns that you will no doubt have as a result of their decision.

### **Sincere Attempt to Reach Agreement**

Please know that Management has made numerous attempts to reach an agreement with the Union. As far back as a year ago, in March 2021, Management asked the Union to extend the current agreement without any changes so that we could complete the school year without interruption and recognize the uncertain times in which we are living. The Union flatly refused that offer without any discussion.

In November 2021 management made a final offer where we put aside all of our demands. The only outstanding issues are those that an independent mediator, with 40 years of experience in helping parties come to an agreement, advised were unachievable either through direct negotiations or in binding arbitration. He stated that many of the Union's remaining demands are "[completely unrealistic](#)". This is because they are demanding changes that they know colleges cannot make. For instance, they have made demands about their workload that violate the law governing compensation. The government has confirmed the Union demands violates the law, yet the Union refuses to moderate it choosing to strike.

Unfortunately, despite this advice to them, since November 18th, the Union has repeatedly rejected the CEC's invitation to moderate its remaining demands and return to the table to conclude a collective agreement. It is false and misleading for the Union to suggest that a deal at the table is possible in the face of the Union's own intransigence on the remaining demands.

As the independent mediator advised them, and we have consistently stated since July, the Union demands now remaining could never be accepted. For instance, they want to resolve issues without compromise and simply take them to an arbitrator.

### **Strike Action**

The Union is claiming it had no choice but to strike because the Colleges have refused to bargain and have refused arbitration. This is simply untrue.

### **Arbitration**

CEC has repeatedly offered Final Offer Selection Arbitration. If the Union is satisfied that its offer is reasonable, then it should allow an arbitrator to choose between it and the [CEC Offer](#). The Union has



refused to do so which we believe is because it knows that their offer is unrealistic and unacceptable, despite all claims to the contrary.

By insisting on interest arbitration to conclude this round of bargaining, the Union has refused to recognize that the Colleges have not asked for anything and have already agreed to many of the Union demands. Simply put, we have repeatedly tried to reach agreement without any positive response from the Union.

We have put aside all of our demands on a without-prejudice basis and have advised we cannot give any more. We have consistently stated since July that the remaining Union demands could never be accepted. Insisting we take them to interest arbitration is a failure to respect our consistent assertion that these demands fall well outside any acceptable provision. We can never accept them.

Indeed, we ask the Union to reconsider our proposal for an arbitrated solution via Final Offer Selection to ensure there will be no harm or interruption for students.

The outstanding demands over which faculty will be walking out either violate the laws around compensation, give away decision making about fundamental College operations, or undermine College operations in general.

In view of how the Colleges have demonstrated their willingness to concede and compromise under the circumstances, the decision to strike is short-sighted and comes at the expense of students and the College system.

### **No Lock-out**

The Colleges have stated on numerous occasions since November that they will never lock-out faculty. Our promise to students is to continue to make every effort to reach a fair agreement. We want to achieve this with as little disruption as possible. Unfortunately, the Union has chosen to go on a strike. We have sincerely tried to find an agreement and will continue to pursue a reasonable agreement.

A [glossary of terms](#) is available on the [CEC student resource hub](#).

### **Q: What is a strike?**

- A strike may take different forms. In general, it is a refusal to work in the normal way that is designed to slow down, disrupt, or stop operations. A strike is organized by a Union as a form of protest typically in an attempt to force the employer to agree to their demands.
- Unfortunately, in the Colleges, when a faculty member chooses to apply pressure by slowing down, disrupting or stopping work, these actions lead to varying degrees of negative impact on students.

### **Q: What does a full walk-out strike mean?**

- In a full walk-out strike, employees withdraw all their services and choose to walk the picket line.
- Teachers picketing do not teach during a full walk-out strike.



**Q: Will classes run during a full walk-out strike?**

- Colleges will inform students about the status of classes.
- Check your College website for more information.

**Q: How long will this strike last?**

- They can last for a day or for an extended period of time.
- Currently, the Union has been engaged in strike action since December 18, 2021.
- In 2017, the Union engaged in a full walk-out strike that lasted for more than 5 weeks. Students were still able to complete their semester.

**Q: Can I access campus during a full walk-out strike?**

- Yes, campuses will remain open subject to pandemic restrictions.
- When picket lines occur, picketers cannot prevent access to those looking to enter campus.
- Information will be provided by your College on how to safely access campus

**Q: How could strike action impact the winter 2022 semester?**

- There is the potential the Winter 2022 semester could be interrupted and/or extended.
- If the semester is impacted, Colleges will do everything possible to ensure that all students have the opportunity to complete the semester.

**Q: Will a full walk-out strike impact convocation?**

- Colleges will inform students about the status of convocation.
- Check your College website for more information.

**Q: My teacher said the Colleges/CEC forced a strike, is that true?**

- No. The Colleges cannot force faculty to go on strike.
- Only the Union can determine if they are on strike and what form that strike action takes (work-to-rule, full walk-out etc).
- The Colleges have been able to address and agree to many of the Union's demands. Colleges are not currently seeking any concessions from faculty. There remain a few demands from faculty that the CEC/Colleges have consistently said they cannot agree to for fiscal, legislative, or operational reasons.

**Q: Why are the Colleges escalating the situation instead of agreeing to interest arbitration?**

- The Colleges are not escalating. The Union has chosen to escalate its strike action.
- The Union has asked the CEC to consider voluntary binding interest arbitration on outstanding issues. With respect to the outstanding issues, the Colleges have stated since August 2021, that



they can never accept what the Union is demanding. The Colleges are not seeking anything from the Union and in the circumstances cannot agree to enter voluntarily into binding interest arbitration on these outstanding issues.

- The CEC is not prepared to agree to have an arbitrator "split the difference" on key issues that Colleges have already stated are unacceptable to begin with. In essence, there is nothing to split.
- Colleges have not refused arbitration but provided an alternative arbitration proposal for the same purpose of ending the impasse. The Colleges have asked the Union to reconsider an alternative proposal for an arbitrated solution to ensure there will be no harm or interruption for students.

**Q: Why doesn't the government get involved with College bargaining?**

- The government does not get involved with College bargaining unless absolutely necessary.
- In 2017, the government legislated faculty back to work after 5 weeks of engaging in a full walk-out strike. The Union is currently in the process of challenging this decision.

**Q: The Faculty have said this isn't about money, is it?**

- The academic employee demands do cost money and contravene legislation.
- Bill 124 limits the Colleges ability to increase compensation as it relates to workload by more than 1%.
- The Colleges cannot go against legislation.

**Q: What can't the Colleges agree to?**

- The CEC has dropped all of its proposals for purposes of settlement and has agreed to many Union demands already.
- The Colleges has asked for nothing in the new Collective agreement and will not agree to:
  - Inclusion of interest arbitration as the default decision making process for key working groups/ initiatives within the collective agreement
  - Workload amendments that contravene legislation (Bill 124)
  - Intellectual property claims for work that employees are already paid to create
  - Restrictions that infringe on other employee groups

**Q: Where can I learn more about negotiations and strike action?**

- The CEC website contains information on the bargaining process and an ongoing archive of proposals from both parties.
- Additionally, all news updates are published across CEC social media channels and the website.
- Please visit [www.CollegeEmployerCouncil.ca](http://www.CollegeEmployerCouncil.ca) or follow the CEC on [Twitter](#), [Facebook](#), [LinkedIn](#), or [YouTube](#).