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CAUT ACPPU
Canadian Association of University Teachers
Association canadienne des professeures et professeurs d'université

Collective Bargaining Report

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To: CAUT Executive Committee
CAUT Council

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Bargaining Trends

Unsurprisingly, the bargaining environment continues to be shaped by the ongoing pandemic. Although domestic enrolment has held relatively steady or even increased at many institutions, there remains significant uncertainty about the financial impact of COVID-19 on Canadian colleges and universities. On October 8, 2020, Statistics Canada released university financial information for 2018-19 and financial projections for 2020-21.[1] Of particular concern is the heavy dependence of some institutions on international students, whose fees accounted for one third of the tuition revenue of Canadian universities in 2018-19. In addition, postsecondary institutions were excluded from the federal wage subsidy program and Safe Restart agreement. CAUT has called on the federal government to invest in a national strategy with the provinces and territories that provides adequate and stable federal funding to postsecondary institutions to reduce dependence on student fees and precarious workers.[2]

Because of uncertain revenues and the challenges of the transition to remote work and of securing adequate health and safety protocols for those academic staff who have returned to campus, most academic staff associations have found themselves in some form of bargaining with their employers over the terms and conditions of work during the pandemic. Many of the Letters of Understanding negotiated in the spring required renewal or modification to address institutional re-opening plans and the likelihood that most instruction will continue to be delivered remotely through the 2020-21 academic year and beyond. In addition, several employers approached associations to ask for various concessions purportedly intended to address financial difficulties. Letters of Understanding reached by associations have been posted in the password-protected area of the CAUT website. Generally, associations have been very successful at securing agreement to modify tenure and promotion timelines, to allow members to defer sabbaticals starting after the beginning of the pandemic, and to ensure that members will not be negatively evaluated as a result of the shift to remote instruction and disruptions to professional activities caused by the pandemic. Associations have also so far resisted demands for wage rollbacks and suspension of

1. See CAUT Memorandum 20:54 Re: 2018-2019 Financial Information of Universities and Projected Impact of COVID-19 for 2020-21, October 9 2020. https://www.caut.ca/sites/default/files/memo_2054_2018-2019_financial_information_of_universities_and_projected_impact_of_covid-19_for_2020-21_2020-10-09.pdf
2. CAUT Submission to the Pre-Budget Consultations in Advance of the 2021 Budget. A Path Forward: Post-Secondary Education & Research Critical for Canada's Future, August 2020.

negotiated increases. However, protecting the jobs of precariously employed workers and ensuring a sustainable workload, particularly for members with parenting and caregiving responsibilities, remains an ongoing challenge.

Associations with expired contracts or impending expires continue to face the decision of whether to attempt bargaining by videoconference in a context where institutional revenue and enrolment may be uncertain. In many cases, parties have agreed to delay bargaining or roll over existing agreements, while other tables have concluded settlements despite these challenges. Other negotiations have proven exceptionally difficult, and several hot spots have emerged.

Hot Spots

Dalhousie Faculty Association (DFA)

As the certified bargaining agent for more than 950 professors, instructors, librarians and professional counsellors at Dalhousie, the DFA started engaging in negotiations with the Board of Governors in mid-July following the expiry of their collective agreement on June 30, 2020. The negotiations were precipitated when the Board rejected DFA's request to delay bargaining for a year due to the uncertainty related to the impact of the COVID-19 crisis. The Board demanded wage roll backs of 5% the first year followed by 0% for the last two years of the agreement and the following pension adjustments:

1. Full CPP integration which could result in decrease in annual pension benefits of up to $21,000 a year.
2. Changes that would negatively affect indexing during retirement which would result in decreased pension for current and future retirees.

After seven days of negotiations, the parties reached an impasse and filed for conciliation on September 22. In early October, the DFA obtained a 91% strong strike mandate from their membership with an 87% turn out. On October 19, 2020, after the first scheduled day of conciliation, the parties again reached an impasse when the Board presented their best offer of 0.25% year one, 0.25% year two, wage reopener for year 3, and no change in their pension proposal. Following this impasse, the offer was put to a vote and 95% of the members voted to reject the offer made by the Dalhousie Board of Governors.

Lakehead University Faculty Association (LUFA)

Negotiations at Lakehead University have been complicated by COVID and a poorly managed pension plan that has been the source of debate in previous rounds. The pension is a hybrid plan into which members have been paying disproportionately. The plan has the lowest employer contributions in the Province of Ontario and the impact of the "less CPP" offset language, found in both the plan and the collective agreement, has been exacerbated by the CPP enhancement that came into effect in 2019. The Association is seeking to move the plan towards a Jointly Sponsored Pension Plan (JSPP), but the employer is so far resisting this proposal, citing Bill 124, provincial legislation restraining compensation increases. A preliminary report by Eckler on the "adequacy of member pension benefits" offered by the Lakehead plan supports the Association's position but convincing the employer may require further pressure. The Association has filed for conciliation, but this was paused for mediation on the pension and for the Association to reformulate its pension proposal. The employer also has several concessions on the table, including a proposal for short-term layoffs that runs counter to financial exigency protection. Although a strike vote had not yet been held as of the end of October, job action preparation is underway.

Laurentian University Faculty Association (LUFA/APPUL)

Bargaining for the main unit was paused in October pending a report by Ernst and Young on the university's financial situation. This study was commissioned by the employer after the start of negotiations that were already delayed by a lack of information to substantiate the employer's claims of financial crisis. The employer has tabled several monetary concessions in this round and there is an ongoing dispute over the unauthorized and unilateral suspension of admissions to seventeen programs. A Judicial Review, supported by CAUT, has been filed by the Association claiming that the suspension of admissions without the agreement of the Senate is a violation of the Laurentian University Act. There is also a dispute over the future of the many programs housed at three small, federated campuses (which are Laurentian programs) whose funding was massively cut just before the pandemic. Neither side has filed for conciliation, which is required for either strike-lockout or the unilateral imposition of terms by the employer. It is a situation of concern to watch.

University of Manitoba Faculty Association (UMFA)

In their last round of bargaining, UMFA negotiated a salary reopener specifically to deal with the impact of the Public Services Sustainability Act. Since then, the Act was declared unconstitutional (though the Manitoba government is appealing). While there may be the possibility of reparations and damages through the court, unions in Manitoba are pursuing the issue in bargaining. While the government continues to pressure the University of Manitoba administration not to offer any salary increases, the Association has tabled a package that seeks full reparations for salary lost due to the PSSA and a fair increase in future years. Faced with this intransigence, UMFA adopted a strategy of member mobilization to pressure the employer to agree to arbitration. 700 members signed a petition demanding the University agree to settling the salary reopener through binding arbitration. As of November 4th, the employer was still refusing. A car/bike honk-a-thon took place in response, and a members' strike vote was held on Oct 30 to 31 with 80% voting in favour of job action. At this point, either party could move to bring an end to the Collective Agreement and be in strike-lockout position, which does not require conciliation or a waiting period in Manitoba.

The Province of Alberta

The collective agreements of six CAUT member associations in Alberta expired on June 6, 2020: Association of Academic Staff University of Alberta (AASUA); Athabasca University Faculty Association (AUFA); the Faculty Association of the University of Calgary (TUCFA); Grant MacEwan University Faculty Association (GMUFA); University of Lethbridge Faculty Association (ULFA); Mount Royal University Faculty Association (MRUFA). At this point, only MRUFA has engaged in bargaining prior to last summer while others except AUFA agreed to bargain. However, many employers are claiming they cannot table salary or compensation, and in some cases other items until late October or November. This is likely due to the fact they are waiting to receive bargaining mandates from the Provincial government. Last fall, the Government gave itself the power to set binding and secret bargaining mandates for public employers, including universities and colleges. The expectation is that they will pursue salary and other compensation cuts as well as increased management rights and flexibility. In the wage re-opener arbitration decision between the University of Calgary and TUCFA (July 21/20), the employer proposed a 2% salary cut; however, the Association was awarded a retroactive 1.7% salary increase. At this point, the Premier, MLAs and some University Presidents have taken pay cuts and one association has been informed by their employer that they may be seeking to have the cost of sabbaticals covered by members through extra teaching.

The bargaining environment in Alberta is challenging not just because of low oil prices and the pandemic, but also due to the government's open attack on the rights of working people and public services. Alberta Campus Grants to post-secondary institutions are being cut around 20% (depending on the institution) in the UCP first three years in government and the Ministry of

Advanced Education budget is scheduled to drop from $5.5 billion to $5.1 billion over four years. Layoffs have taken place across the sector, primarily in support staff. Performance-based funding has been delayed until next year. Besides these financial cuts and layoffs, the Government, through the "Alberta 2030" budgets awarded in June a $3.7 million contract to McKinsey & Company to produce "a road map for systemic transformation of post-secondary education" by the end of the year.

This summer the government passed Bill 32 which weakens employee rights under the Employment Standards Act and strengthens employer's ability to avoid unionization. It also denies union picket lines from blocking or delaying those crossing it and requires the Labour Board's permission when picketing secondary worksites. It also requires unions to obtain members "opt-in" for dues related to expenses for "political activities" (one step away from "Right to Work"). Currently, faculty associations are exempt from the opt-in for political activities rule, but it can be quickly imposed by Cabinet.

Faculty associations though are ready to bargain. They have been setting up job action committees and have been actively organizing and rallying in support of health care workers who the government plans to layoff up to 11,000 of their members.

Mid-Contract Concession Proposals

At a number of institutions, the employer approached the association with proposals to forego negotiated across-the-board increases or progress-through-the-ranks increments, accept wage rollbacks or unpaid leave days, and make various other concessions. Such demands can place associations in a difficult position, particularly where contract academic staff and other employee groups are facing job losses. Association members are often willing to make sacrifices in order to protect students, vulnerable employees, and the institution, but it is important for associations to scrutinize the employer's financial claims and to satisfy itself that the concessions demanded would actually protect jobs. To date, employers making concessionary proposals have based their demands on projected declines in enrolment or revenue that have not necessarily been realized. In addition, employers have failed to demonstrate that their proposals would have a significant enough impact on expenditures to save jobs. It appears that what such employers are seeking is to create the impression of shared sacrifice rather than to remedy any financial difficulties.

The examples below are far from an exhaustive list but rather examples of employer demands and association responses.

Cape Breton University Faculty Association (CBUFA)

The CBUFA Collective Agreement includes a process allowing the employer to make "a practical, early intervention" in consultation with the association to avoid a situation of financial distress. The employer at CBU can declare financial distress based on "catastrophic loss of revenue totalling at least $3.5 million in one year (grant and/or tuition)" and projects such a loss based on its exceptionally heavy reliance on international student fees.

The employer's proposed concessions included demands that the association:

- Forego annual salary increases for 2020/2021
- Forego annual step increases for 2020/2021
- Agree to wage rollbacks for those with salaries in excess of $100,000
- Agree that On-line Course Development Stipends will not apply in the current circumstances
- Discuss compensation if class sizes are impacted by public health requirements (for example, extra sections due to social distancing requirements)

In response to these proposals, CBUFA submitted an information request asking the employer to disclose the basis for its revenue projections. The request also asked the administration to explain how the projected revenue loss fits into CBU's overall financial picture, why the institution cannot absorb the loss in light of recent surpluses, and what other measures have been taken to either reduce revenue loss or decrease expenditure. CBUFA also requested that the employer detail the cost savings that would be realized by each proposed concession and the number of layoffs that would be avoided as a result.

The employer's response failed to satisfy the association executive, which nonetheless asked the membership to vote on the employer's proposals while recommending that they be rejected. The membership voted overwhelmingly against the employer's demands.

University of Ontario Institute of Technology Faculty Association (UOITFA)

Relatively early in the pandemic, the employer proposed a series of mid-contract concessions ostensibly to alleviate financial pressure that might require layoff of support staff: a salary freeze (negating all previously negotiated ATB increases), no Career Development Increments (Progress-through-the ranks), and no merit pay. The need for this was not substantiated and at a well-attended Town Hall organized by the Association, members discussed a number of possible cost-saving measures that did not require opening the Collective Agreement and voted against accepting the concessions.

Recent Settlements since March 2020

(with total wage increase over the period of the agreement)

Full settlements

British Columbia Institute of Technology Faculty and Staff Association
Total of 6% over 3 years

Brock University Faculty Association
Total of 3 % over 3 years

Faculty Association of the University of St. Thomas (PT)
Total of 5.34% over 3 years

Faculty Association of the University of St. Thomas (Regular)
Total of 5% over 3 years

King's University College Faculty Association
KUCFA negotiated its first agreement after certifying under the Ontario Labour Relations Act in June 2020. 2% over 2 years in addition to a salary anomaly exercise.

Royal Roads University Faculty Association
Total of 6% over 3 years

University of Regina Faculty Association, First Nations University of Canada Academic Unit (RAS)
Total of 3.75% over 4 years

Wilfrid Laurier University Faculty Association
Total of 3% over 3 years (+$900 system adjustment payable July 1, 2022, if Bill 124 is struck down)

Rollover settlements

Association des professeurs, professeures et bibliothécaires de l'Université Sainte-Anne
Total of 1.75% for 1 year

Association des bibliothécaires, professeures et professeurs de l'Université de Moncton (ABPPUM)
Total of 3% over 2 years

Association of University of New Brunswick Teachers (RAS and PT)
Total of 1.8% over 1 year

Brescia Faculty Association
Total of 1% over 1 year. The Brescia Faculty Association also negotiated new terms for contract academic staff, who were certified and merged into the bargaining unit in 2018.

Laurentian University Faculty Association – Huntington University Unit
Total of 1% over 1 year

Laurentian University Faculty Association – Thorneloe University Unit
Total of 1% over 1 year

University of Prince Edward Island Faculty Association (RAS)
Total of 4% over 2 years

University of Prince Edward Island Faculty Association (CAS)
Total of 4% over 2 years + additional $300 to each step