

APUO Bargaining Proposals 2015 - 2016 Collective Bargaining

October 29, 2015

**Presented, discussed and approved by the Collective
Bargaining Committee, the Executive Committee and the
Board of Directors**

Bargaining Context

- Employer's financial situation remains very strong
 - Close to \$500 million in surpluses banked in last 13 years.
 - Surplus due to large growth in revenue from student enrolments, insufficient hiring of regular professors, paying lower salaries than comparator universities.
 - Pension plan on extremely strong financial footing. Completely recovered from the lower returns of 2008-2010.
- APUO well prepared for this round of negotiations
 - Significant consultation with members about priorities (two surveys, 1000+ person-hours of work on proposals)
 - APUO hoping employer will take less conflictual approach, but prepared for all eventualities.

Bargaining Proposal Process

➤ Member survey (Jan. 2015)

- 500+ members responded;
- Executive, Board, Grievance Officers, APUO staff consulted.

➤ OCUFA and CAUT analysis

➤ Collective Bargaining Committee (CBC) analysis

- Mandate: Consider entire APUO membership – not specific interests
- Diverse representation – 2 Arts, 2 Science, 2 Telfer, 1 Library, 1 Health Science, 1 Education, 1 Social sciences, 1 Medicine, 1 OLIB;
- Systematic analysis of proposals
- 350+ person-hours of meetings; 1000+ person-hours of total work
- Additional meetings for particularly complicated issues.

➤ Process

- Presenting as much information as possible given context;
- CBC – unanimous votes for the vast majority of proposals;

APUO Themes

- **Ensure open, transparent and fair governance**
- Create fair and equitable working conditions
- Improve quality of education
- Improve Librarian working conditions
- Improve CLTP working conditions
- Improve Language Teacher working conditions
- Ensure equitable compensation
- Establish efficient negotiations

I – Ensure open, transparent and fair governance

1. Increase APUO member input into selection of Deans and the University Librarian

- Problem: Deans exercise enormous influence on the working conditions of APUO members. Currently, the CA says very little about how the appointment process should proceed. The actual processes used by the employer do not give APUO members any decision-making say in who becomes their dean. In fact, current processes do not even allow APUO members to give meaningful and impactful feedback on their preferences.
- Resolution: Create more clear, open, transparent and fair selection and hiring processes for Deans and University Librarian; allow members to vote for their dean and University Librarian; create a recall process.

I – Ensure open, transparent and fair governance

2. Increase APUO member input into selection of vice-deans, library managers, chairs and programme directors
 - Problem: These positions exercise significant influence on the working conditions of APUO members. Currently, the CA says very little about how these appointment processes should proceed. The actual processes used by employer give APUO members no decision making say in who becomes their vice dean and only extremely limited opportunities for providing feedback on their preferences. Moreover, departmental autonomy to select its own chair/programme director not always respected by employer.
 - Resolution: Outline clear, open, transparent and fair processes for selecting these roles; create appropriate, standardized rules regarding additional remuneration and workload reduction for these roles.

I – Ensure open, transparent and fair governance

3. Ensure knowledgeable DTPCs, FTPCs and LPCs

- **Problem:** The CA is a complex and long document; the relevant articles pertaining to a variety of issues relevant to the DTPCs, FTPCs and the LPC are scattered throughout the CA. Understanding all of the relevant clauses is crucial for the smooth functioning of these committees and ensuring fair outcomes for APUO members.
- **Resolution:** Implement training sessions to familiarize members of these committees with the appropriate CA articles.

I – Ensure open, transparent and fair governance

4. Protect voting rights of APUO members

- Problem: In certain faculties (e.g. Medicine), non-APUO members (e.g. 'clinical' professors who are not APUO members) are cross-appointed in basic science departments. In some cases, the number of these non-APUO members can be significant and courts the possibility that non-APUO members could determine votes regarding collective agreement issues.
- Resolution: Clarify only APUO members have voting rights for APUO-related questions during an academic unit assembly.

I – Ensure open, transparent and fair governance

5. Protect voting rights of APUO members (2)

- Problem: The CA specifies an exceptional governance structures at the faculty of Telfer (no departments). This exception has resulted in a lack of clarity regarding the structure of the academic unit and has eroded the collegial governance model.
- Resolution: Remove the CA specified exception resulting in the creation of a collegial departmental structure at the Telfer School of Management.

I – Ensure open, transparent and fair governance

6. Increase Information on teaching budgets

- Problem: The employer does not publicly release, nor provide to APUO, data on the number of non-APUO teaching staff across the university. This makes it much more difficult for the APUO and the public to understand how much teaching is being done by regular faculty members and how much is done by other types of employees.
- Resolution: Require the employer to regularly provide reliable data on the number of non-member teaching staff.

I – Ensure open, transparent and fair governance

7. Create more transparent Senate and Board of Governors

- Problem: Employer sharing less and less information related to governance with APUO and public than ever. This means that the entire university community is less able to know what and why decisions are being made. It also means that the university community is less able to communicate with these crucial decision-making bodies.
- Resolution: Specify that the employer must provide the APUO with detailed information regarding Senate and Board of Governors and their meetings, including sub-committees.

I – Ensure open, transparent and fair governance

8. Increase APUO member input into hiring of visiting professors

- Problem: The employer can hire visiting professors with little (if any) input by faculty members in the affected unit.
- Resolution: Involve the faculty members in the hiring/approval of visiting professors. Increase the amount of information received by the Association in relation to visiting professors.

I – Ensure open, transparent and fair governance

9. Protect APUO member input into definition of new academic postings

- Problem: The central administration has increasingly sought to determine the area and definition of new regular tenure track positions itself, bypassing the normal collegial process whereby academic units and APUO members define new positions based on the requirements of their unit and research field.
- Resolution: Ensure that the normal, open and collegial process is used to determine the focus of new tenure track positions.

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II – Quality of Education

10. Improve Student to Professor/Librarian ratios

- Problem: Employer has failed to hire sufficient regular professors to keep pace with exponential student enrolment growth. Class sizes have grown significantly.
- Resolution: Institute maximum student/professor and student/librarian ratios to ensure that students and professors can have improved pedagogical interaction.

II – Quality of Education

11. Increase number of regular professors (Complement)

- Problem: Employer has failed to hire sufficient regular professors to keep pace with exponential student enrolment growth.
- Resolution: Hire 80 new professors, 1 new librarian, 1 language teacher in the next four years (prorated). Distribute the positions proportionally between faculties (based on the number of students).

II – Quality of Education

12. Clarify APUO members' preferential rights of teaching

- Problem: It is not explicitly stipulated that APUO members have preferential right of teaching subjects over non-members (i.e. the idea is that the right to teach a given class, develop an academic curriculum, etc., lies first of all with APUO members given their professional qualifications, and this work can be given to non-APUO members only if no APUO members wants to perform it).
- Resolution: Clarify APUO members' preferential right of teaching.

II – Quality of Education

13. Sessional Lecturers

- **Problem:** The category of sessional lecturers is an antiquated category that the employer believes allows them to hire non-unionized (i.e. non-APUO and non-APTPUO) individuals to teach at the university. This creates very precarious situations for the few individuals in them and does not help the quality of education.
- **Resolution:** Completely remove this category from our CA.

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III – Fair and equitable working conditions

14. Clarify Employer Duty to Accommodate

- Problem: Employer has the legal duty to accommodate basic human rights of APUO members with disabilities. The CA does not sufficiently elaborate on the ways in which the employer must accommodate members.
- Resolution: Develop a clear and transparent process to ensure that basic human rights and the duty to accommodate are respected.

III – Fair and equitable working conditions

15. Replacement professors

- Problem: Certain faculties are abusing replacement professors by requiring replacement professors to accept extremely heavy teaching loads. These conditions do not create the quality of education the APUO believes in, nor does it help the APUO members in these positions.
- Resolution: Ensure that all replacement professors are hired to fulfil all aspects of a professor's workload, not simply teaching, and that teaching loads are reasonable.

III – Fair and equitable working conditions

16. Create a fair and clear Harassment & Discrimination policy

- Problem: Contrary to a Letter of Understanding agreed to in 2012 whereby the APUO and employer would work together to create an improved harassment & discrimination clause, the Employer has not made this a priority and we have not been able to complete this task. This means that APUO members have little protection from, and recourse in response to, harassment in the workplace.
- Resolution: Incorporate clear language and processes regarding harassment & discrimination into the CA.

III – Fair and equitable working conditions

17. Improve academic Leave

- Problem: U of O offers lower compensation for academic leave than comparator universities and it takes longer to get a full sabbatical. (8 years VS 6 or 7). In addition, existing language punishes members who are sick.
- Resolution: Improve academic leave policy; remove language surrounding sick leave.

III – Fair and equitable working conditions

18. Improve leaves beyond academic leaves

- Problem: APUO members don't have access to bereavement and other types of emergency leaves; some faculties charge credits for partial leaves; provide equal benefits for parental leaves; reference to maternity in CA.
- Resolution: Provide bereavement and emergency leaves to members; clarify impact of leave on teaching workload; increase parental leave benefits; replace maternity with pregnancy.

III – Fair and equitable working conditions

19. Protect APUO members who are denied contract renewals

- Problem: Tenure-track members who are refused a contract renewal become unemployed very quickly and with little warning.
- Resolution: Provide a final one-year contract to allow time to the individual to find a new job.

III – Fair and equitable working conditions

20. Protect APUO members involved in online & hybrid teaching
- Problem: Contracts for online and hybrid courses have been negotiated directly between the employer and individual professors. This can result in inappropriate transfers of intellectual property (IP) and inadequate remuneration.
 - Resolution: Develop appropriate negotiation and remuneration system; protect member's IP rights.

III – Fair and equitable working conditions

21. Protect academic freedom

- Problem: The employer often acts to limit academic freedom (e.g. attempting to restrict APUO members from speaking freely about university affairs).
- Resolution: Clarify (without prejudice) that members have the right to speak freely about university affairs and the employer.

III – Fair and equitable working conditions

22. Establish Fair Processes

➤ Problems:

- Insufficient consultation, arbitrariness, non-transparency, etc., in Freedom of Information and Protection of Privacy Act (FIPPA) process;
- Rules and policies regarding external complaints and members' files do not adequately protect their rights;
- Process to demonstrate required level of bilingualism arbitrary.

➤ Resolutions: Create fair and transparent processes.

III – Fair and equitable working conditions

23. Ensure legal Indemnification of APUO members

- Problem: APUO members may face legal issues as a result of their teaching, research and administrative duties (e.g. students who are unhappy with results have sued the university and professor; police have tried to force researchers to turn over confidential research notes). The employer has only selectively provided legal support to members despite having insurance precisely for this purpose.
- Resolution: Clarify that the employer has an obligation to provide legal support to APUO members in cases where legal issues result from the proper performance of their duties as professors.

III – Fair and equitable working conditions

24. Clarify APUO scope

- Problem: For historical reasons, the scope of the bargaining unit is technically defined as covering those who are employed by the employer in the City of Ottawa.
- Resolution: Clarify that the provisions of the CA and APUO membership regulations remains in force across the University of Ottawa, regardless of location.

III – Fair and equitable working conditions

25. Ensure productive grievance meetings

- Problem: Employer often doesn't bring appropriate individuals to step 1 meetings or understand that this is an opportunity to resolve the matter. They often attend to get more information instead of intending to resolve the grievance.
- Resolution: Ensure that the appropriate people are at all grievance meetings and emphasize the need for Step 1 meetings to be opportunities for resolution.

III – Fair and equitable working conditions

26. Ensure all professors are provided computers

- Problem: Some faculties don't provide computers to members.
- Resolution: Clarify the employer's obligation to provide computers to members.

III – Fair and equitable working conditions

27. Improve FGPS processes

- Problem: Decisions regarding FGPS membership are sometimes problematic.
- Resolution: Transfer the authorization on FGPS membership to the member's faculty. Introduce a reintegration process.

III – Fair and equitable working conditions

28. Improve patents process

- Problem: Historical language regarding Patent Committee is out of date. Both parties agree.
- Resolution: Disband Patents Committee in exchange for reports on Patents proposals.

III – Fair and equitable working conditions

29. Ensure childcare services

- Problem: There are not enough childcare spaces available for the university community.
- Resolution: Obtain funds for development of childcare services.

III – Fair and equitable working conditions

30. Clarify FWRC (Faculty Workload Review Committee)

- Problem: Issues with processes surrounding the FWRC.
- Resolution: Clarify some procedural issues.

III – Fair and equitable working conditions

31. Conduct and analyze exit interviews

- Problem: Reasons for APUO member departures are neither collected nor analyzed. This means that we are all missing important moments of data-gathering which could help us improve our working conditions.
- Resolution: Create an exit interview system and share reports with APUO.

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IV - Improve Librarian working conditions

32. Improve Librarian working conditions

- Problem: Lower vacation allocation than comparator universities; hours & area of work restrictions; no scope of work limits; sub-optimal timing of review process for librarians with preliminary appointments.
- Resolution: Increase vacation allocations for all members; specify that librarian can determine their specific hours of work and location from which to work when her work permits (similar to professors); specify scope of work limits; modify the timing of evaluations.

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V - Improve CLTP working conditions

33. Improve Continuing Limited Term Professor conditions

- Problem: Continuous contract requires renewal process every 3 years; CLTPs do not have academic leave provisions; the term 'CLTP' not accurate nor helpful (Note: CLTP is official term for the 29 positions to distinguish the specificities of their contracts.)
- Resolution: Increase contract length from three to five years; create process to allow CLTPs to apply for academic leave; create new name for these positions.

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VI - Improve Language Teacher working conditions

34. Improve language teacher conditions

- Problem: Members ranked as Language Teacher III don't have access to academic leaves; language teachers at rank IV can't be promoted.
- Resolution: Obtain access to academic leave for LT III; reactivate the historical option of promotion from LT IV to Associate professor.

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VII – Ensure equitable compensation

35. Ensure fair salaries and benefits (articles 40 and 41)

- Context: The two parties must agree on the appropriate salary and benefits in light of Cost of Living increases and gains at comparable universities.
- Resolution: The salary & benefits proposals will be tabled at bargaining in January; not all proposals are finalized. As in past rounds, APUO's salary proposal will seek comparable increases based on our peer institutions plus any appropriate catch-up. The benefits proposal will seek to create similar conditions to our comparator universities including improvements to PER.

VII – Ensure equitable compensation

36. Address other salary/benefit issues (article 40 and 41)

- Problem: Levels of various allocations haven't been increased in years; almost all salary adjustments are refused by administration committee.
- Resolution: Increase various allocations: moving costs, stays in private accommodations; increase tuition coverage for dependents > 26 years; transfer salary adjustment authorization from administration committee to anomalies committee and update anomalies committee mandate.

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VIII – Establish efficient negotiations

37. Transition between agreements

- Problem: Old language remains regarding an older version of the CA.
- Resolution: Clean up old language referring to the 2004-2008 CA.

VIII - Establish efficient negotiations

38. Create Inter-union Solidarity Provision

- Problem: Currently, if other unions go on strike, APUO members do not have clear protection against being forced to cross picket lines or against reprisals from the employer if members refuse to cross them.
- Resolution: Create an inter-union solidarity clause that ensures that if APUO members do not cross other uOttawa union picket lines, they will not be penalized for it.

VIII – Establish efficient negotiations

39. Timeline for negotiations

- Problem: Establishing a general timeline, as voted on by membership in last negotiations, helped ensure efficient negotiations. The employer seems open and supportive of establishing a relatively clear time line as well and has proposed a clear negotiating timeline as well (from November to April 2016).
- Solution: Agree with employer to negotiate from the beginning of November until beginning of April, 2016.