

Remarks by Ted Montgomery, Chair, OPSEU bargaining team for college faculty, at a news conference held March 10, 2006

My name is Ted Montgomery. I'm the chair of the bargaining team for college faculty. The strike continues this morning.

We are here today for two reasons. The first is that we've decided to file formal charges of a failure to bargain in good faith against the colleges' negotiating committee. Specifically, on March 6, in the final hour of negotiations, having tabled nothing in five days of bargaining, the management bargaining team tabled a position at that crucial stage that was an offer that they knew could not lead and would not lead to settlement. Its purpose was not to settle, not to move ahead, but rather to force and provoke the strike that we're now on.

Part 2, section 5 of the *Colleges Collective Bargaining Act* requires that the parties negotiate in good faith and make every reasonable effort to make an agreement. At the end of the day, the colleges went in the opposite direction. They put on the table, on March 6, that evening, a demand which had been withdrawn from their previous offer after that offer had been rejected by over 96 per cent of the faculty in November of 2005.

The demand that they re-introduced was to remove the limit on the number of classes that a teacher can have in a week. That limit is currently six different classes in a week – up to 18 hours, three hours for each of those classes – and the proposal from management was to remove that cap to have an unlimited number of classes.

They knew from before that that was an offer that could not result in a settlement. It would drive the parties further apart.

They were pursuing a very different agenda. That was to provoke the strike which we now have.

The second reason we're here is that the union is also writing a letter to Dalton McGuinty today calling on him to take action – not simply to wish that the strike was over, but to take action to stop it. We're not seeking legislation back to work. We think that's the wrong way to go. We believe that the action should be that Mr. McGuinty should encourage his agents, and in fact require his agents at the bargaining table to table a serious and responsible offer.

What we've seen from management so far is simply a reiteration of the same offer that they've had on the table, with minor changes, since August of 2005. That offer was rejected in November. That offer produced a strike vote of over 80 per cent in February of this year, February 7.

With one month to the strike, the only thing the employer did was make the offer even worse. They know that that offer cannot be a settlement, and they have never tabled an alternative offer. They simply keep describing it as a good offer. Whether they like it or not, it's clear that it cannot form the basis of a settlement.

Mr. McGuinty must know that, and must act upon it.

The demands that the union has put forward, and that faculty have put forward, are for quality education. Faculty don't easily go on strike, and management has been suggesting the strike is about money, they keep raising money. That is not the issue in this strike. The issue is quality.

The problem is the priorities of the colleges. The way they have allocated their funding, they have not have not allocated it towards quality.

We told them at the bargaining table we do not want a reduction of workload. We have not sought that. Our workload is currently 18 teaching hours a week and up to 44 hours of work including all the preparation, evaluation, feedback, and assistance to students outside of class. We have not tabled at any point in bargaining any reduction of those numbers, nor in the numbers of weeks of teaching.

What we want is fewer students for each teacher. It's a matter of quality. A teacher with 240 students cannot give each of those students the same level of quality as that same teacher with 150 students. That requires the hiring of some more teachers, and equally – perhaps more importantly – the conversion of part-time teachers into full-time.

We want the students to reap the benefits that Bob Rae said, in his report, they deserved.

We want the students to share in the aims and objectives that Mr. McGuinty set-out on May 13 when he provided \$6.2 billion over the next four years for the colleges (originally five years, now there are just four of those left).

Six point two **billion** dollars for the colleges to put into quality funding! But what we were told at the bargaining table by the chair of their bargaining team was that that money would be spent for facilities, for student services, for fuel costs, but that any hiring of new faculty would only be for additional students in additional programs. [It] would not be spent on today's faculty, today's students. We think that is totally unacceptable. That violates the principle that Rae set forward. That violates the funding principles that the Minister and the Primer expressed on May 13.

The strike continues. We want it to end. We want it to end with a settlement, and that settlement now depends upon the involvement of the provincial government to get involved with their side of the table [and] to tell the colleges to put a serious offer on the table – one that can lead to negotiation, not one that they must know can only lead to a strike. That's all they have done so far. It's now time for Mr. McGuinty to act.

The strike is continuing and the reports from every college in Ontario are that the faculty remain determined to see that our efforts will not be wasted. This was a fight we took up to protect and better quality education in the colleges in this providence. We will not abandon that fight.

We are concerned about our students and we want the government to act in a way that will bring about a fair resolution. We've been disappointed and dismayed by the bad faith bargaining exhibited by this management bargaining team. With me today are Peter McKeracher, who has been on several bargaining teams with me in the past – four in a row. We have settled three of those rounds. With me also is Damian Wiechula who has also been on bargaining teams where we settled, successfully, without a strike. Also with us today is Bobbi Wagner who is a teacher at Sheridan College.

The reason Bobbi is here, is because Bobbi teaches our students and is an artist herself and after we are finished in this room I want to take you out into the hallway where one of Bobbi's works of art is portrayed. It's a picture that expresses in an abstract way what it's like at the colleges today. It is the sardine can model.

The president at the college where I teach – Rick Miner – thought that was laughable. Well, if Rick Miner came into the classes he'd see that the teachers and the students don't find it laughable at all. We are concerned about overcrowding. We're concerned about too many students and not enough teachers to service their needs.

The quality has declined. Rae found it, Rae pointed it out, Rae provided the remedy. And now McGuinty has provided funding to put that remedy into place.

The road block, the stonewalling, is college management, who have tried to vilify and denigrate the faculty by suggesting that we are striking for some other reason than the reason we have told them in public, in private, at the bargaining table, away from the bargaining table, on the picket lines, everywhere we have been able to express that message. And that message is consistent – we are there to improve the quality of education for students in Ontario in the college system. That is our message today that will be our message tomorrow. It will be our message when we return to the bargaining table and we hope that that is soon. Thank you.

Question and Answer session with reporters

Question: How long can this go on before the students' year is in danger? Are you willing to extend the school year into the summer?

Ted Montgomery: The school year can go on for some time yet. There are different schedules at different colleges. Some have four weeks left, some have as many as eight weeks left. In the two previous strikes in the college system, both in the 1980s, work was added to the schedule – the teachers made up the lost time. With a two-week strike or thereabouts there is still time to make up all the classes and all the work that was lost. Teachers will be more than willing to undertake that work.

Question: How do you think management came up with such a low number of saying they have 23 people in a class on average?

Ted Montgomery: Management bases that number on counting every faculty member that is in the bargaining unit. It's every counsellor, librarian, every person on sabbatical leave, long-term disability, short term-leave, pregnancy leave, secondment to other places. Unlike high schools, where the student/teacher ratio is the actual teachers in the classroom and the actually students in the classroom, the number that the colleges use is quite false and they know it to be false.

Question (unclear on tape) regarding a college statement that the union had not proposed reductions in class size until March 6:

Ted Montgomery: I wrote about that just today. That is a lie. In without prejudice discussions on February 15 and 16, the union tabled a proposal to limit class size, to lower the average call size. Normally without prejudice positions are not discussed in public. Because the colleges have put out that falsehood, we have no choice but to give you the truth. We proposed that on February 16 and that was in response to a management statement on January 24 of this year that they would not change the factors which are in our workload formula. They asked us to come up with a creative solution that dealt with the workload issues other than changing the factors. We did so for them on February 15 and 16. They now are saying they didn't know about that until March 6. That is a flat untruth.

Question: I've been talking to college students who say they a) they're worried about losing their year, and b) they're worried about – one for example I was speaking with yesterday said – she can't make any money because she is in the chef's program at George Brown. She says she just wants school to be over so she can get out there to make money. She is a student with no money, she is suffering through not having a very good income, and yet you say you are worried about the students. She doesn't see that.

Ted Montgomery: It's understandable that the students who are in the colleges today or actually out of the colleges today, because of the strike that has been forced upon both of us by management, would be frustrated. We are equally frustrated. Both the students and the faculty are pawns in some game that college management is playing to try and wheedle more money out of the government. They are claiming they don't have the money to meet the faculty's demands. They have never tabled a proposal that puts any money into the system, any, whatsoever. In fact they have tabled proposals to save money on the workload and quality issues.

We are concerned about those students, and we think that we need to get back to the bargaining table and we need to get a serious offer on the table that we can actually begin some serious bargaining. Those students, I say to them, their year will be made up, there will be lost time, that has been the history. We want them back in the class and I encourage them to continue with their work, to stay with it. I receive thousands of emails from students. I obviously can't read them all, but I read a great many of them. The students are frustrated and concerned. Some are misled by the management position that faculty are out for salary but a great many, and more and more all the time, share our view of overcrowding in the classroom. They too want more faculty to be hired.

One of the students associations at one of the colleges have been very clear that they support the position of the union for the hiring of more faculty.

Question: What do you say is the average class size number by your standards (or what you say), and what do you want it to become? In other words, how many teachers do they have to hire, and what kind of dollar figure is with that?

Ted Montgomery: The college management claimed at the bargaining table claimed that the average class size is 29 and that's what they costed it on. More recently I read in the press from Mr. Miner from Seneca college, the President there, that the average class size is 28. We don't know where they get the figures from. Our figures show that it is 29.1 at the last counting. We've tabled a proposal that average class size should be reduced to 25. So from 28, from their last figures, to 25. The reduction is hard to cost in many ways because of the ability of the colleges to convert part-time and partial load faculty into full-time faculty. Their costing (they give us different figures), they say \$150 million, and they say that is over four years. We don't accept that costing. Our costing is considerably lower, well under that, and flexible because management has the ability to reduce it or increase it depending on how they implement the changes.

I can tell you this: They cost the hiring of a new faculty member at \$74,000. We've looked through the statements that we receive. We can't find any faculty who are hired at that rate. The average faculty salary is \$76,000. That is existing faculty, many of whom are at the very top of the scale.

Question (unclear on tape) about timing of bad-faith charges:

Ted Montgomery: This is partly why we didn't file on Sunday evening. We wanted to give the government and management an opportunity to come back to the table. They haven't done so. Accordingly, rather than wait, we are putting pressure on them, putting the matter before the College Relations Commission to assess their behaviour, and more importantly at this time, inviting Dalton McGuinty to act upon what he said was his concern. Mr. McGuinty has said he wants to be known as the education premier; this is his opportunity to act and make a reputation, or enhance his reputation in that regard.

Question (unclear on tape) putting pressure on the employer:

Ted Montgomery: Absolutely, this is not an effort to stay away from the table. Quite the opposite: its an effort to get the bargaining on track, to get management back on track, away from their foolish positions that provoke a strike, and into a position that actually attempts to make a settlement that complies to the Colleges Collective Bargaining Act.

Question: Now that the charges have been filed how long will this process take?

Ted Montgomery: The College Relations Commission takes the charges and they will convene a hearing to hear evidence regarding those charges.

Question (unclear on tape) asking what remedy the union is seeking:

Ted Montgomery: The remedy is fashioned by the College Relations Commission. I wouldn't want to speculate to what they would determine.

Question: What are you hoping for then?

Ted Montgomery: We are hoping that the College Relations Commission finds that the colleges have been in fact in violation of the *Colleges Collective Bargaining Act*, and directs them to comply by tabling an offer that is an attempt to achieve a settlement and to reach a settlement. That is their obligation out of the *Colleges Collective Bargaining Act*.

Question: That's kind of wishy-washy.

Ted Montgomery: Yes, that is why it's up to the Colleges Relations Commission to make that determination.

Question: Is there any time frame that restricts that?

Ted Montgomery: Not to my knowledge. The Commission will determine the timeframe.

Question: Will this be filed today or next week?

Ted Montgomery: It will be filed today. It's being drafted now.

Question: Dalton McGuinty and Mr. Bentley have been loath to get involve in any kind of labour dispute, they say that's up to you – bargaining committees have to deal with it, the government doesn't get involved. They say they are watching this from afar, and they want you guys to deal with it. What makes you think this kind of an action is going to get any kind of response from the government in the sense of getting involved in the nitty-gritty of your negotiations?

Ted Montgomery: Education Minister [Gerard] Kennedy has gotten involved in negotiations at the elementary and secondary level, and quite successfully so. We think it's best if the government can avoid involvement but in this case it has become necessary. And we ask the Minister and the Premier to do what is necessary to resolve this issue.

Question: Do you want them to take the colleges out of the back yard and bang them around a bit? What is it that you want them to do?

Ted Montgomery: Well that is your description of what it is, to take the colleges out in the back yard and bang them around a bit, those are not my words. But I think that Premier and the minister ought to have a word with their representatives and probably words with representatives with the union too, because I think that the kind of miscommunication that has come from the colleges bargaining team has led them to some misunderstandings of what is available by way of settlement and what is possible by way of settlement. The misunderstandings I'm talking about are with respect to the question I answered earlier, where the colleges have spread a falsehood about what the union proposed and when it was proposed.

Question (unclear on tape) about whether the colleges have enough money for a settlement:

Ted Montgomery: Yes, there is enough money for a settlement.

Question (unclear on tape) about how many new faculty the union wants to see hired:

Ted Montgomery: Our position is for ten per cent more faculty until targets are met that I spoke of earlier with regard to average class size.

Question How long would your contract be? Ten per cent over how many years?

Ted Montgomery: The union has tabled an offer, now we have revised it from two years to three years on Sunday. Management expressed an interest in a longer contract, and we agreed a three-year contact was possible. Currently seven of the 24 colleges are at or under 25 per class average. That is another issue with the costing: some colleges are over the 25 and other are under it. So for some colleges there would be no cost. For others, which are larger, there would be.

Let me add another comment on the class size. College courses are not like university course where you can have Psychology 100 with 300 students and lecture to them with a series of teaching assistants then to assist the students with understanding of the seminars afterwards. College teaching is hands-on, practical, applied teaching, and it's important for the college students to have a direct relationship with the teacher of their courses and their programs. It's not like university. There are very few courses that are like that where the large lecture mode is like that, and the colleges know that. We are not looking at a lot of classes with two or three hundred, we are looking at classes of 40, 50, 38, that's where there are too many, where there should be in those classes fewer students.

Question: Are faculty willing to stay out forever? Until your demands have been met?

Ted Montgomery: The faculty will stay out as long as it takes to achieve a good settlement. That's not necessarily by meeting the demands that are on the table now. We have tabled those demands as an effort to get some bargaining going, get some response to them, but we haven't said to the colleges, "That's our final position, it's that or nothing." That's something we certainly haven't done that and that's not our intention.

Question: Why not wait until the school year is over? (Further question unclear on tape)

Ted Montgomery: It's not my suggestion that students finish the school year in the summer but rather finish this term. The term may be extended by a week, squeezing the exam week into a shorter period, using Saturdays, Sundays even. I know that isn't comfortable for students and neither is it for faculty but I'm not suggesting, I don't understand the colleges to be suggesting, that their plans are to extend into the summer. There would be a short extension certainly and that has an impact that we would rather not see, but that's what we have been forced into.

As for waiting until there are no students well, many of the schools run year round. There are summer programs that are now big, certainly at Seneca they are well attended and their enrollment is high, so there is no such time. If we were to do that anyway the colleges would simply keep us out until the students returned in September and then we would be in exactly the same situation except in September the students would be out for four to six weeks or more, because there would be more time to make up the year.

Question: Don't you think it's fair to say that in September and October there would be a heck of a lot more time to make up [lost class time]?

Ted Montgomery: That would be fair to say. [Having a strike now] does maximize the impact and in doing so creates, in our view, a shorter strike, shorter stoppage, shorter time out of classes for students. It puts pressure on both parties to settle more quickly. And it puts pressure on the government as well to get their side of the table to put a settlement offer on the table.

Question: You don't apologize for this being spring and March instead of back in September- October?

Ted Montgomery: No. There are number of factors that come into play there, one of which is that support staff were negotiating in the summer and they were planning, if necessary, to strike in September or October – I believe it was around mid-September. And we thought to plan out a faculty strike shortly following a support staff strike would be even more harmful for the students. We thought it was better not to plan a strike for October with the possibility of a support staff strike at that same semester. We thought this was better route to go in this instance.

Question: Wouldn't it be better for students to have the two strikes at the same time?

Ted Montgomery: In some ways it might be better for the two at the same time, yes, but that wasn't an option. And that does present some problems, in that if one strike is settled and the other isn't, then that creates difficulties for the students in any event. And maybe more difficult for the government to deal with trying to bargain with two different bargaining units at the same time. So there are some advantages and some serious disadvantages as well to that proposition.

Question: Why would the [employer issue a statement] this morning at the 11th minute, before your announcement on this, suggest that this whole issue of class size was only tabled on March 6? What you said was in fact we did this a month earlier. Why do you think they said that this morning? That's a euchre move.

Ted Montgomery: You'd have to ask them that question.

Question: Do you have any thoughts on, perhaps, that? Clever timing on their behalf?

Ted Montgomery: I wouldn't describe it as clever. I would describe it as unfortunate and disappointing, given that it is an untrue statement. It should have never been said, given that it's known to be an untrue statement by those who said it. I'm assuming that representatives of the Colleges Compensation and Appointments Council [the employer], that they ought not to be saying things they know are not to be true. Had they said the union didn't table its position that would be one thing, to say we hadn't proposed it is another matter entirely. They know we had proposed it. They had dealt with it. They had plenty of time to address it and it was not a surprise to them.