

**Speaking notes – Ted Montgomery
CAAT A News Conference – February 1, 2010
31 Wellesley St., Toronto**

CHECK AGAINST DELIVERY

Good Afternoon

I am Ted Montgomery, Chair of the OPSEU faculty bargaining team. As you know, we are in negotiations with Ontario Community Colleges for a new contract for college faculty. The union took a strike vote on January 13th and is in a position to strike if necessary to achieve a fair settlement. We are here today to advise you of the proposals we will be making to the employer to resolve the bargaining impasse and bring about a conclusion to a set of negotiations that have been stressful for College students and their faculty.

First – we do not see further votes at this time as being productive. The only vote should be on a memorandum of settlement once one is achieved.

The union conducted a vote 2 and one half weeks ago and the majority of faculty voted in favour of a strike rather than accepting management's offer. Before that vote, the Colleges said that if the vote was against a strike, their imposed terms would be the basis for the new contract. Conversely, although the January 13th vote was in favour of a strike, the Colleges still refused to bargain on the key issues. There is no reason to believe they will not do just the same again.

A second vote that rejects the offer that is unchanged on the key issues will only lead to further uncertainty. And no doubt also a request for a third vote, a fourth and so on.

The Colleges Collective Bargaining Act was amended so that the union would take strike and ratification votes. It would be our pleasure to take a ratification vote when there is an acceptable

offer to ratify. The revised Act gave the responsibility to the Colleges to take a vote of the employees to accept or reject their offer. The Act does not contemplate or support either party directing the other as to when it must or should take a vote. The Colleges could have taken a vote on their offer back in November. Instead they imposed the terms. The colleges denied faculty the opportunity to vote then. The Colleges could have conducted an offer vote at the same time as the union took a strike vote. The Colleges denied the faculty the opportunity to vote on their offer then as well. Consistently, the colleges have prevented faculty from voting on the offer. Now, less than 3 weeks after a vote that told them their offer was not acceptable, the Colleges just stick to their imposed terms and conditions, and refuse to negotiate on the key issues and are demanding a second vote.

The Union believes it is time to bring greater certainty to the negotiations, not to delay with votes that could have been taken months or weeks ago. However, the union is NOT preventing a vote as management has falsely claimed. If management decides to take a vote on their offer, as is their right, we will not stand in the way. Another rejection of management's position is the probable result, and we have seen that such rejections do not induce more meaningful negotiations from them.

Second – Also in order to bring to an end the continuing uncertainty, the Union will be setting a strike deadline of February 11 and later today will be once again inviting the Colleges to return immediately to the bargaining table with a view to serious negotiations to avoid a strike before that deadline. Such deadlines often bring settlements – We all are familiar with such last minute deals – one such just this morning 5 hours after a strike deadline at Xstrata with the CAW. An offer both sides describe as fair and equitable

Finally – The Union understands that our members want solutions that meet the needs of our students and the College system and they prefer to reach those solutions without further distraction from the tasks of teaching and serving our students. Today, the Union will be inviting the Colleges to agree that if the parties cannot come to a memorandum of settlement prior to the strike deadline, that the parties will submit all outstanding matters to final and binding

arbitration. The revised Colleges Collective Bargaining Act does not prohibit arbitration. Although the advisory report to the Minister of Training Colleges and Universities, on revisions to the Colleges Collective Bargaining Act, as a general rule, stated a preference for agreements reached directly between the parties, sometimes third party assistance is effective and preferable. The advisor, Kevin Whitaker, wrote:

“The parties can always if they wish, agree to settle issues in bargaining by arbitration... the agreement of the parties or back to work legislation can provide for a mechanism of binding interest arbitration.”

Sure, strikes are a part of hammering out labour relations disputes and the union will go that way if we are forced to do so by the Colleges. But we are prepared to find alternatives that can keep the students in class and let the parties resolve their differences via other equally traditional and accepted means. In fact, arbitration of labour disputes is mandatory in many jurisdictions and is a common practice. It has been agreed to in the past but only after strikes were begun. The union is offering the College the opportunity to prevent a strike, this time. The students, faculty, and colleges all want this resolved. Continuing votes bring uncertainty not resolution.

The Premier has urged the parties to:

“Do everything they can to come together and stay together and find a way to resolved this in a way that doesn’t compromise education or interfere with students’ learning.” It is with that in mind that the faculty offer such a solution.

The focus should not be on labour relations, but on the quality of education college students receive now and in the future. That is our focus today.

If there is no settlement, and if the Colleges do not agree to arbitration on the outstanding unresolved matters, then there will be a strike.