



How does TUFA bargaining work?

March 2016

The TUFA Collective Agreement with the University expires on June 30, 2016. That means we will soon be heading to the bargaining table to negotiate a new contract. Your TUFA Executive Committee is working with our Chief Negotiator and staff to plan for a successful round of negotiations in the months ahead.

Before we head to the table, we thought it would be helpful to explain the bargaining process in some detail. Negotiations can sometimes feel like a black box, so we want to make sure all TUFA members understand what we're doing, what the process involves, and how you can get involved.

The following is an outline of the upcoming bargaining process.

Step 1: Consultation

The bargaining objectives and strategy that any union pursues are ultimately an expression of the goals and interests of the Union's members. Beyond issues of salary, benefits, and workload, collective agreements in the University sector provide a detailed framework for career progression; how collegial governance should work; and provide a means of improving equity among members who perform a variety of duties and responsibilities. The agreement is adjusted and improved through negotiations which at Trent, typically occur in a three year cycle. In preparing for bargaining, TUFA's leadership, needs to understand the current workplace experiences, requirements, and frustrations of all the employee groups constituting the TUFA membership.

To facilitate such outreach and consultation, TUFA convenes a **Negotiations Council** prior to bargaining. The Negotiations Council serves as one conduit for information from TUFA members to the Executive and Bargaining Team. It also acts as a sounding board to test out possible proposals and strategies for negotiations with the Employer. The structure of the Negotiations Council has been kept deliberately loose to allow for the widest possible range of perspectives to be expressed from within the membership. We aim to have at least one member from every department and professional school participating, as well as a representative cross-section of the union's membership, especially by gender, appointment type, and rank.

In addition to the Negotiations Council, the Executive provides opportunities for members to meet with the Chief Negotiator to discuss important issues in smaller constituency groups. Such meetings will generally include a Limited Term Appointment Caucus, a Women's Caucus, meetings with members from the different Decanal divisions/schools, and a meeting with TUFA's librarian members. Where the Union's objectives or strategic approach are complicated by competing or non-aligning interests within the membership, TUFA will organize additional meetings to work through these issues.

For this upcoming round, the Executive will also use **a series of short surveys** to learn more about what is important to our members. Each survey will focus on a specific issue on which greater clarity is desired. These short surveys give us the information we need while reducing the time needed from members to complete them.

Step 2: Preparing a Mandate

The information gathered through Negotiations Council, caucuses, and surveys will be used to develop a **bargaining mandate**. Once approved by members, this mandate guides the Executive Committee and Bargaining Team through negotiations. A good mandate reflects the needs of members, is accountable, and fairly balances individual and collective interests. In this round, we anticipate having the Negotiations Council work closely with the Executive to prepare a draft mandate for presentation to the membership at a General Membership Meeting (GMM) in the Spring. As in the past, the membership will have an opportunity to debate and modify the mandate. Once finalized, it serves as a roadmap for the Bargaining Team as they develop specific proposals. These proposals contain the specific language that TUFA seeks to embed in the collective agreement, and they will be presented to the Employer once bargaining commences.

After the Bargaining Team has developed a comprehensive set of proposals reflecting the mandate given to it by the members, the Union and Employer will meet to exchange initial proposals. The exchange of proposals can be handled in different ways, but it has been the practice at Trent to exchange a complete package of all proposals at the outset of negotiations. In the event that the Employer tables

proposals that are not addressed by TUFA's original mandate, it has been our practice to convene a special GMM to consider a response mandate.

Step 3: Bargaining

According to TUFA's Constitution, both the Chief Negotiator and Bargaining Team are appointed by the Executive Committee. The Executive is thus ultimately responsible for the conduct of bargaining and related work with the membership. This frees the Chief Negotiator and Bargaining Team to engage fully in the technical work of negotiations which is done in consultation with the Executive, the professional staff of our supporting affiliates (OCUFA and CAUT), and legal counsel. The Bargaining Team can call on both the Executive Committee for direction and the Negotiations Council for advice. The Executive is expected to present the Bargaining Team to the membership at least 90 days prior to the expiry of the collective agreement and this will likely happen at the first GMM of the year (March 16th).

During bargaining, the Chief Negotiator becomes the primary conduit through which the Union communicates with the Employer. At the bargaining table, the Union can resolve outstanding grievances and other disputes, can address policy concerns, and can require the University to provide financial, personnel, and other information applicable to negotiations.

It is a principle of collective bargaining that neither side can dictate who the other brings to the table. In recent rounds, TUFA's team has comprised the Chief Negotiator, two or three faculty/librarian members, and our Executive Director. The University's team is generally headed by the AVP Human Resources reporting to the VP, Finance & Administration. The employer team typically comprises a Dean, the University Librarian, and a senior staffer from Human Resources, with other personnel drawn in as warranted. Proposals are generally brought to the table, presented, interrogated, and then counter-proposals offered. In this back-and-forth fashion the parties converge on mutually acceptable language. The art of bargaining lies in the quick perception of each proposal's practical implications, identifying ways forward through conflict, and careful attention to detail.

Step 4: Reaching a Deal

Through the process of proposal, counter-proposal, and negotiation, TUFA and the employer will work towards a final agreement. However, if TUFA is unable to make progress on important issues, the normal bargaining process provides ways for us to escalate matters, and put constructive pressure on the Employer.

We can, for example, hold a **strike vote**. A successful strike vote does not mean there will be a strike. Rather, a strong strike mandate from the membership tells the Employer that we are committed to our proposals, and ready to respond if pushed.

We can also request **conciliation** or **mediation**, where third parties can assist the Union and Employer reach an agreement. Conciliation is formal process accessed through Ontario's Ministry of Labour who appoints a conciliator. If the conciliation process ends without an agreement, the parties can continue to work with a third party in mediation. Mediation is discretionary, so both TUFA and the Employer must agree to it before it can proceed.

If conciliation has not brought about an agreement, either TUFA or the employer can request a **No Board Report** from the Ministry of Labour. Once a No Board Report is granted, the Union and the Employer have 17 days before they will be in **legal strike or lockout position**. This does not mean that a strike or lockout will happen, only that it is legal to do so.

A **strike** is the absolute last resort in the bargaining process. It is a rare part of negotiations, but the possibility of strong measures, like strikes, helps ensure that issues in dispute will be resolved. Heading into negotiations, we should always be mindful that job actions or work stoppages are possible outcomes of bargaining. But strike actions are most avoidable when the level of member engagement heading into negotiations is highest—employers are constantly gauging the readiness of members to back-up the demands made at the table with real actions. TUFA will provide opportunities in the coming months for members to demonstrate their solidarity and support for the Union's bargaining positions and the Team we send to represent us.

A fair collective agreement – negotiated at the table – is TUFA's ultimate goal. Strong, engaged Union members will get us there. Over the coming months, we will be communicating with you regularly – to get your input and to tell you how you can get involved with bargaining. In the meantime, please let us know if you have any questions about the process, where we're at, and where we're going next.