



Representing Contract Faculty, Teaching Assistants, Graduate Assistants,
and Part-Time Librarians and Archivists @York University, Toronto

Canadian Union of Public Employees/Syndicat canadien de la fonction publique local/section locale 3903

January 29, 2021

Dear members of the York University Bargaining Team,

We are writing to respond to the Employer's January 22, 2021 "Proposal for a Framework to Extend the York-CUPE 3903 Unit 1 Collective Agreement." This framework approach to bargaining is a new practice that we believe is a diversion from regular practice. To date, the Union has entertained this framework in the spirit of our shared desire for expediting the bargaining process during these difficult times. However, we find the Employer's unwillingness to meaningfully engage with our concrete proposals discouraging, to say the least, since these proposals aim to address the very important issues both our membership and the Employer themselves have identified as priorities.

From the beginning of our bargaining meetings, we have questioned the way you are defining an 'extension.' The Employer has indicated repeatedly that 'an extension is what the parties say it is'. Despite this definition, the Employer has been unilaterally insisting on their definition of an extension, and not engaging with our perspective.

We feel like the Employer is trying to take advantage of the current situation to argue that the parties cannot bargain as usual. We have demonstrated that it is possible to meet and discuss issues extensively even during a pandemic, just as we have figured out how to switch to teaching remotely within the span of a week.

Similarly, the Employer is using the term 'expedited bargaining' as if there is only one way to make bargaining expeditious. Expedited bargaining does not preclude a process that involves passing specific proposals back and forth. In fact, we believe it is an efficient and clear way of approaching negotiations.

We believe that it is not an efficient or expeditious use of anyone's time to talk about bargaining when we could instead actually bargain. When the Employer refused to bargain in 2017/2018, the trust between the parties was broken. Even if your intent is to start fresh, the effect is looking pretty similar, and it doesn't bode well. On Tuesday, we met with our membership at our General Membership Meeting, after having told them that you had proposals in writing for each unit. The membership pointed out that there was not actually anything to vote on, because you have not given us actual proposals; rather, we have been given a document that appears to involve discussions of an alternative process, when we already have one that works the way you intend things to: collective bargaining. The Employer asserts that this process is 'expedited'; but rather than directly engaging with the substance of our proposals and moving the process forward, your framework has the effect of dragging things out.



In the interest of making this process move as expeditiously as possible, we have focused on those most urgent areas that align with the priorities the Employer identified as early as our first official bargaining meeting in October 2020--namely job stability and equity--even though our members have identified many other urgent issues. These prioritized areas are central to the majority of our proposals and address the most pressing issues facing the CUPE 3903 membership.

In order to move the process forward, we bring you our membership's desire to see concrete proposals to respond to, instead of expending more time discussing alternative processes that do not fit in with principles of collective bargaining.

In the absence of a meaningful effort to engage in bargaining that is effective and expeditious, we are left with no choice but to perceive this approach as a new way of circumventing open and coordinated bargaining. This is particularly the case when it comes to the Employer's proposal to move discussion of crucial issues to committees outside of the bargaining process. The CUPE 3903 membership feels that the committee structure neither fits with the bargaining process, nor has the potential to be more efficient or productive; and it further kicks the can down the road for lengths of time our membership cannot afford to lose.

In the Union's experience of working groups and joint committees with the Employer, we have observed that these spaces can be a useful element of larger processes to identify issues, exchange information, and keep track of tasks. However, they are incredibly slow and lacking real power, and they are not where actual decisions are made or concrete changes happen. At their worst, committees at York University have been a way for the Employer to defer problems and dodge responsibility. While these problems may not be inherent to committees per se, this is their history and present status at York University. For substantial matters, committees have not historically been as productive as collective bargaining.

The Working Group in the School of Nursing is one such example. The committee was mandated by Hayes in 2018 in order to make recommendations to address the issues faced by Clinical Course Directors (CCDs). All of our Nursing proposals reflect issues that have been brought to the Working Group, which has not been able to resolve them. The proof of practice (PoP) requirement in particular has been an issue for many years and was largely what caused Nursing CCDs to opt for a strike last round. The PoP and other issues, including training, class size, postings and late appointments, continue to generate many grievances on behalf of members. Both sides agree that there are problems, but again, the Working Group is more effective at identifying issues than resolving them. Our proposals constitute recommendations prepared by CCDs and union staff familiar with the grievance patterns. The purpose of bargaining is to make these improvements binding on both parties, which a committee cannot do. Instead, the Working Group is asking a lot for already overworked CCDs to have to make time for the Working Group every month to explain these problems repeatedly with no concrete action on the part of management.



A second example is the Employment Equity Committee. In this case, the Union had to grieve just to get the Employer to the table. Once the committee began meeting regularly, it has proven useful in analyzing employment equity data. However, it has moved exceptionally slowly, and it is not empowered to take steps to substantially improve employment equity, since equity must be bargained into the Collective Agreement due to other contract provisions relating to qualifications, seniority, and various job security programs. The Employer has also noted the need for the equity goals of the Union to be integrated into the collective agreement. The Employment Equity Committee has done the work of generating proof of underrepresentation of equity-seeking groups. It is now up to us at the bargaining table to remedy the situation.

The insistence on leaving major issues to committees not only makes movement difficult, but also directly contradicts some of the claims the Employer has made since the beginning of bargaining: wanting to proceed expeditiously while meaningfully engaging with issues such as equity and job security, as well as wanting to repair the broken trust and bring peace to labour relations between the Employer and CUPE 3903. Our membership feels that the Employer has not acted in ways that show the sincerity of this wish. In particular, the experience of Unit 3 highlights this. The Employer has suggested continuing the Graduate Assistant Training Fund. At best, the fund was mismanaged by the Employer. As you are aware, we filed a grievance on August 13, 2020 asking for data as we don't know what happened to the misappropriated funds. We have been pressing on this issue to no avail. We cannot continue the GATF without agreeing to shared oversight of the fund. Do you really want to stand before an arbitrator and try to argue that you, as the Employer, did not have a responsibility to ensure that our CA funds are disbursed properly? Fixing this issue at the bargaining table means we do not have to escalate to the arbitration process, which is time and resource consuming for both parties. Addressing Unit 3 issues remain a priority issue for the Union, one that can and should be settled in this bargaining round.

Likewise, the posting of RAships is an issue that is quickly escalating. Such posting is technically an impossibility, as an RAship is not work. After the Flaherty decision, does York really want to continue violating Collective Agreements in its quest to destroy Unit 3? Or can we work together to address these issues collaboratively, here and now at the bargaining table?

Our reservations about the proposed framework apply as well to the idea of moving Unit 2 job stability issues to a committee. In the interest of moving the process forward, we propose involving Chris Albertyn to mediate our job security goals, starting with the Albertyn Appointments proposal, and possibly to include other Unit 2 job security proposals. We envision a process that is consistent with CUPE 3903's principles of open and coordinated bargaining, with legal counsel present.

We would also like to mention that we have received your letter, outlining the Employer's interpretation of Bill 124. While our full response in writing is forthcoming, we state



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that we disagree with the Employer's overly broad interpretation of what constitutes "compensation", especially as it applies to penalty language and workload issues.

The issues addressed with concrete proposals in the CUPE 3903 extension framework are long standing and serve to both improve the living conditions of our members, and the quality of education at York University. As we have noted, a number of our proposals are in the interest of student success, and yet we have not heard anything from the Employer on those items. The fact that York University has not experienced sharp decreases in enrollment in comparison with many other Canadian universities is a testament to the work our members have done in the difficult circumstances of the pandemic and the quick shift to remote teaching. Addressing the issues our membership identified will only increase the quality of education at York University.

Sincerely,

CUPE 3903 Bargaining Team