

UWOFA

Bargaining Bulletin

VOLUME 4, NUMBER 6

July 23, 2010

More Facts about Collective Bargaining at Western

On July 16, 2010, Deborah Newman, Ontario's Deputy Minister for Training Colleges and Universities (MTCU), sent a memo to university and college presidents regarding compensation restraint measures announced in the provincial government's 2010 Budget. The UWO Administration cited this memo in a recent communication posted to the UWO website to restate its claim that the provincial government has mandated a compensation freeze for public sector employees - including caps on employee collective agreements of at least two years preventing any net increase in employee compensation. UWOFA Members may rightly ask what, if anything, has changed since the March budget.

Has the law changed?

No new legislation has been tabled. [Bill 16](#), the Provincial Government's budget legislation remains unchanged. As reported in our April 14 Bargaining Bulletin ([Just the Facts](#), Vol. 4, No. 2), there is no law mandating a compensation freeze for employees who bargain collectively. Bill 16 states unambiguously in clause 4. (2) that employees who bargain collectively are exempt from wage restraint. The rules of collective bargaining continue to apply. Moreover, a recent [Supreme Court decision](#) has affirmed that the right to collective bargaining is protected under Canada's Charter of Rights and Freedoms.

What has happened?

The July 16 MTCU memorandum, and recent statements by Finance Minister Dwight Duncan, indicate that the province is attempting to influence collective bargaining through moral suasion. The memo simply repeats the provincial government's intention to "work with" employers and unions with the goal of preventing any increases in the total amount spent on compensation and agreements of at least two years' duration. This action should not be confused with the ability to dictate the outcome. Indeed, a [2006 Dispute Resolution Panel](#), chaired by Senior Justice Warren K. Winkler, ruled that arbitration awards for faculty compensation should not be dictated by provincial funding. Citing arbitrator Owen Shime, Winkler reasons that "If arbitrator/selectors were to consider the funding level of universities for the purpose of salary determination, they would in effect become the handmaidens of the government."

Fiscal Context

It's true that the government could reduce funds for post secondary education. This happened in the 1990s under a Conservative government. But the current Liberal government has not cut funding; funding has gone up.

As mentioned in our April 14 Bargaining Bulletin, provincial funding this year to the University sector has substantially increased. Budget analysis by the Ontario Confederation of University Faculty Associations (OCUFA) suggests increases in grants, enrolment and tuition fees are projected to increase university operating revenues by roughly 6.8%. Again, university revenues are expected to rise, not fall.

In this context, UWOFA remains committed to good faith bargaining. UWOFA will resume bargaining August 17, as scheduled, and continue to advocate for recruitment and retention and improved working conditions for faculty.