



Status of Negotiations

This morning, the UPEI Faculty Association filed an Unfair Labour Practice Complaint on behalf of Bargaining Units 1 and 2. The effect of this is to suspend negotiations of new collective agreements until the issues at hand are adjudicated by the PEI Labour Board. The UPEIFA President, Nola Etkin, notified President Abd-El-Aziz of this action this morning. The *Collective Agreement* for BU1 (faculty, librarians, CNIs, and sessional instructors) expires June 30, 2016. The *Collective Agreement* for BU2 (professional veterinary service providers) expires April 30, 2016.

A copy of the complaint was attached to a memo distributed to the UPEIFA membership this morning and is available for viewing on the Association's website www.upeifa.org. The substance of the complaint is two-fold and addresses what is termed the "duty to bargain." The first element concerns "good faith" bargaining, and the second concerns "reasonable efforts" to successfully conclude new collective agreements. Taken together, these standards of bargaining require a commitment by both parties to engage in fulsome and honest discussions of their positions and their differences and to make reasonable and sincere efforts to negotiate the terms of new collective agreements. The failure or unwillingness to exercise those practices can be seen to constitute "bad faith" bargaining. Bad faith bargaining warrants an Unfair Labour Practice Complaint.

There are a number of indications of bad faith bargaining. In our immediate experience these include refusals to discuss a bargaining position -- particularly the rationale or justification for a position -- and surface bargaining -- particularly the proffering of unreasonable proposals without justification, especially if those proposals are inflammatory, and the adoption of inflexible positions without justification. In other words, there is a sense that the other party is simply going through the motions with little evidence of a genuine attempt to reach a settlement at the table.

In the course of our meetings through March and April there has been mounting evidence that the Employer is not engaging in a good faith effort. Earlier this week, the Employer attempted to move a discussion of its pension proposal from the Joint Union table to the FA table. The FA is committed to bargaining pension, but is of the position that such bargaining belongs at the Joint Union table. Further evidence of bad faith was amassed at a meeting yesterday when the Employer's team arrived late, adjourned early without a prior agreement or warning, did not deliver the written proposals it had promised, but did offer the following proposal to BU1 and BU2:

The University offers 0% effective date of signing, 0% effective July 1, 2017, 0% effective July 1, 2018 and 0% effective July 1, 2019 with its pension proposal dated February 4, 2016 and its proposed revisions to the collective agreement dated April 27, 2016.

Please note that step increases will not take effect until date of signing and that the determination of any step increases is dependent on the necessary transitional MOU allowing determination of satisfactory performance consistent with University's proposal.

The Employer reserves the right to table, revise or withdraw any proposal as circumstances warrant.

(For BU2, the dates are modified to May 1 for salary, and February 16 for the pension proposal.)

In its contextualization of this proposal, the Employer indicated clearly that the 0% each year was conditional upon our accepting its pension proposal and its other proposals, including annual performance review tied to steps, the involvement of Deans in course assignments, and its egregious discipline proposal, each of which were described at our AGM last week and at the Joint Union pension information session last week.

What Happens Now?

Negotiations for BU1 and BU2 are suspended until the Labour Board hears and makes a determination on the complaint.

The decision to take this course of action has been carefully considered. It is a product of conversations among the negotiating team, the FA executive, the lead spokesperson for the Joint Union table, our resources at CAUT, and the FA's legal counsel. The UPEIFA is committed to successfully concluding the negotiation of a new collective agreements at the bargaining table and has filed the complaint in our determined pursuit of that goal.

We will keep our membership informed as events unfold.