



CAAT-A

COLLEGES
ACADEMIC
DIVISION



ANNOUNCEMENT – ALL FACULTY

Some recent communications from the Council and the Colleges indicate that the Union is preventing or not allowing the membership to vote on management's current offer of settlement.

This is not true. The Union knows that the employer has the right to take their offer to a membership vote. Indeed, the Union asked management to do just that on November 12. The Council refused and instead unilaterally imposed terms and conditions of employment.

The decision whether or not to hold an offer vote rests primarily with the Colleges. Here is why.

The prior Colleges Collective Bargaining Act [CCBA, 1990] prohibited the Council from taking a vote on their offer. Only the Union had that power and, in fact, the Union was required to take an offer vote prior to a strike vote. Those provisions were removed from the revised CCBA and replaced with different powers and responsibilities.

The revised Act explicitly gives to the Council the right and responsibility to take a vote of the employees to accept or reject the offer last received "in respect of all matters remaining in dispute between the parties to the collective agreement." [CCBA 2008 Section 17. (2)]

The CCBA allows the Union to take a strike vote and a ratification vote. [CCBA 2008 Sections 17. (1) a) b) c) d) e), and Section 16.]

On January 13, the Union conducted a strike vote as set out in the CCBA.

The Council and the Colleges are fully entitled to conduct an offer vote. It would be highly unusual for the Union to take another vote so soon after the last vote, particularly when the offer does not reflect any changes in the key areas – those identified by the Workload Task Force Report.

Nevertheless, the Union is consulting with legal and other expert counsel before making any hasty or unconsidered decision.

If the Colleges truly want an offer vote now, they have the authority, the power, and the responsibility to have one. Any attempt to shift the primary responsibility on the Union barely two weeks after the Union met its responsibility to conduct a strike vote should be viewed with much suspicion. Again, the Union will not and cannot prevent such a vote.

The decision to conduct a vote on an offer last received lies first and foremost with the Council.

Ted Montgomery, for the faculty bargaining Team