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May 7, 2018

By Email

Chelsea Bauer
CUPE 3903 Bargaining Teams

Dear Chelsea and the CUPE 3903 bargaining teams,

Re: CUPE 3903 and York University

We were surprised not to have received a response to our invitation to meet this weekend. We were aware of CUPE 3903's press release issued on Friday indicating that the Union rejected the Industrial Inquiry Commission Report's finding that arbitration is the only solution, but were hopeful, nonetheless, that the Union bargaining teams would accept our invitation to meet to discuss the report and possible terms for interest arbitration as requested by Minister Hunter.

It is unfortunate that CUPE 3903 reached the conclusion it did notwithstanding the efforts made by the Commissioner to find a negotiated solution before arriving at his findings. Those efforts at a mediated resolution over twenty-one days were unsuccessful and we remain at a stalemate. The Commissioner's Report and recommendation for arbitration are informed by and reflect his own experience of this unfortunate reality.

The current circumstance is particularly regrettable not only because of the increasing hardships that could result for the University's 50,000 students from a lengthy continuation of the strike but also because of the increasing hardships for CUPE 3903 members. As the strike wears on, and an increasing number of students drop courses, the availability of remediation work decreases for members after the strike concludes. We are also fast approaching a critical deadline of May 10 for the University to be able to incorporate bargaining unit assignments into the summer term curriculum. There is no doubt that the summer offerings would be richer with the participation of CUPE 3903 members, but the opportunity to include bargaining unit assignments is lost once past the May 10 deadline. In this circumstance, the next opportunity for a full return to work by your members would be the Fall Term, which is in no one's interest.

The further passage of time without a resolution of the strike also has an unfortunate effect on aspects of our offers. For example, we are just about at a point where it will no longer be operationally feasible to have a conversion exercise in the 2017-18 year.

We remain firmly of the view that the only path to ending the strike and avoiding a broadening of its impact on students and CUPE 3903 members is interest arbitration. CUPE 3903 has similarly concluded that interest arbitration is a possible solution when all else has failed. With the impasse facing us, and the difference in perspectives we hold on key issues at the heart of that impasse, further delay in moving to interest arbitration is needlessly delaying the inevitable. We are therefore taking the step of attaching a proposal for each of the three bargaining units setting out a path to resolve the current labour dispute for the sake of our students, our colleagues, and the University.

Reflecting the potential implications of a continuation of the strike, the offers are time limited, expiring at 11:59 pm on Thursday, May 10. Specific aspects of the offers that are tied to the expiry date include our conversion proposal and Back-to-Work Protocols. The University will simply not be in a position to undertake conversions for the 2017-18 year or to provide the offered level of back-to-work pay following the May 10 deadline. Separate from the offers, this date is also the deadline for the University's ability to include bargaining unit assignments in the summer term offerings.

We very much hope that CUPE 3903 reconsiders its position on interest arbitration and receives our offers favorably. It is our firm belief that a prompt end to the strike and return to work by CUPE 3903 members to assist with remediation and to participate in the summer offerings is in the best interest of all of us.

We look forward to hearing from you.

Yours very truly,

A handwritten signature in blue ink that reads "J. Yoganath".

For: Simon E. Mortimer

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