



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

May 14, 2018

Dear President Lenton and the York University Board of Governors,

We are now 70 days into the current labour dispute. This is a difficult and unfortunate situation for all members of the York University community.

We continue to believe that negotiations are the way forward and a negotiated settlement is achievable if both sides approach the collective bargaining process in a spirit of good faith and compromise.

The CUPE 3903 Bargaining Team has the authority and capacity to bargain, compromise, and work toward a settlement. We hope that York University's Bargaining Team also has the authority and capacity to bargain, compromise, and work toward a settlement.

On Thursday May 10, the CUPE 3903 Bargaining Team invited the university administration to come back to the bargaining table. The union also indicated that we had a modified set of proposals that we were hoping to present as a framework for settlement. It was not, and is not, our intent to negotiate via email or via press releases.

Bargaining proposals and counter-proposals should be passed between the two teams in bargaining sessions. We also indicated that we would be interested in working with an independent mediator to facilitate the process.

The York University Bargaining Team indicated they were not willing to meet under these conditions and that they needed assurance the union had the authority to bargain. We find this response puzzling and disappointing. On March 26, we publicly stated that "we believe that both sides must be willing to reach compromise solutions. CUPE 3903 would be willing to discuss such compromises if York returns to the table and demonstrates a willingness to work toward a settlement."

However, if it is necessary to reiterate, let us be clear. The CUPE 3903 Bargaining Team has the authority to bargain and be flexible in order to reach a settlement with the university administration.

We have repeatedly demonstrated our capacity and willingness to be flexible on "redline issues." We have moved on and moderated our proposals around these issues on numerous occasions. Our framework for settlement includes further movement. Please see attachment for further details.

Our invitation to return to the bargain table remains open.

Sincerely,
CUPE 3903 Bargaining Team



Appendix: Summary of Remaining Bargaining Issues

We Are Not Far Apart

CUPE 3903 continues to remain perplexed as to how the union's proposals are in contradiction to the universities principles and values. On the contrary, CUPE 3903 believes the union's proposals help strength York's mission, which is to be a "community of faculty, students, staff, alumni and volunteers committed to academic freedom, social justice, accessible education, and collegial self-governance."

All Unit Sexual Assault Survivor Fund

In light of the #MeToo movement, the university has finally recognized the need for a fund that members can access. CUPE 3903 proposed a Sexual Assault Survivor Fund which would allow our members to access resources independent of the Sexual Violence Response Office (SVRO). Our members have identified the SVRO as both limiting and problematic, particularly because it removes a member's agency when reporting. Throughout and following the SVRO creation process we have brought members concerns regarding the office to York's attention. These concerns have not been addressed, leaving survivors within our community with few other resources. Therefore we must maintain a level of autonomy over how the funds are distributed to our members. As the university has agreed to an amount of \$50,000 it is now clear that the dispute is not over the amount but rather, how the funds should be allocated. This suggests that the two parties are indeed, not far apart. The union is confident that a fair compromise, which protects survivors in our community, can be reached at the bargaining table.

Unit 1 Clawback Protection

A major issue identified by Unit 1 members was the lack of clarity on how merit-based scholarships and/or awards are clawed back. The union is pleased to see that there was movement by the administration on May 7th, albeit a minor one. This indicates what we have said all along - that there is no impasse between the two parties. Unfortunately, an amount merely protecting \$5000 is inadequate, as it continues to mean that one-third of awards such as the Ontario Graduate scholarship (OGS) are clawed back from members. This has been an area of dispute that members have repeatedly identified during the length of the collective agreement and was brought to the bargaining table in October of 2017.

Unit 2 Job Security

On two of our key Unit 2 job security proposals, Conversions and Long-Service Teaching Appointments (LSTAs), we are asking for the status quo in terms of numbers of appointments per year. We are seeking 8 Conversions per year (or 10% of Tenure-Track hires per year). That is the same number as in the past Collective Agreement. The vast majority of Tenure-Track hires would not be Conversions. We are seeking 7 LSTAs per year, the same as in the past Collective Agreement. The Employer has agreed to continuing the LSTA program at this level. Some details about the program remain to be discussed. Similarly, we are seeking the return of the Special Renewable Contracts program. The Employer has presented a counter on SRCs, and therefore they do not seem to have any objection in principle to the program. The two sides differ only on some of the specific terms of the program and the gap in appointments per year is only 3. York was offering 5 per year, CUPE 3903 recently proposed 8. We are also asking for some protections to ensure



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posted qualifications are reasonable for positions and we are seeking improvements to the Continuing Sessional Standing Program (CSSP). Overall, we don't think these are controversial proposals or proposals that conflict with the stated values of York University.

Unit 3 Graduate Assistant Commitment

A key issue that triggered the current labour dispute was the unilateral devastation of over 700 Graduate Assistantships (GAships). As the university themselves admit, these jobs have not been “lost” per se, but rather, transformed into fellowships. The union wants the university to re-commit to offering job opportunities for graduate students, as was the practice up until 2016. This is not a novel demand that is out of scope, but merely an ask for a process that already existed. When introducing the fellowship model York arbitrarily introduced institutional barriers to the hiring of GAs. The union wants all institutional barriers removed that inhibit principle investigators from hiring GAs - the barriers that, up until 2016, did not exist. Unfortunately, the administration did not address this issue until the end of February - shortly before the first “final offer” vote. Their response, at the very last minute, has been to propose a small Graduate Assistant Training (GAT) fund that PI's can access to “incentivize” the hiring of GAs. CUPE 3903 continues to believe that a small fund without protection from institutional barriers will be inadequate and fail to incentivize the hiring of GAs. The union remains committed, however, in its flexibility to find a creative solution.

The Path Forward

Rather than engage in a dialogue and partake in bargaining in hopes of finding a solution and negotiating a settlement, over the last two months the university has refused to meet with CUPE 3903 unless the union capitulates to all of its demands. This is not a reasonable or sensible approach, and the tactic has only served to disrupt and isolate members of the York community. Despite our disappointment with the administration's behaviour, we continue to believe that the two parties are not as far apart as the university claims. We remain committed and available to bargain. That path, however, must be negotiated at the bargaining table and not by an arbitrator as it “risks handing over the future of the institution, and the definition of a new contract for faculty, to a third party who cannot possibly appreciate the subtleties and complexities of a university such as York,” to quote the university's previous public position on arbitration.