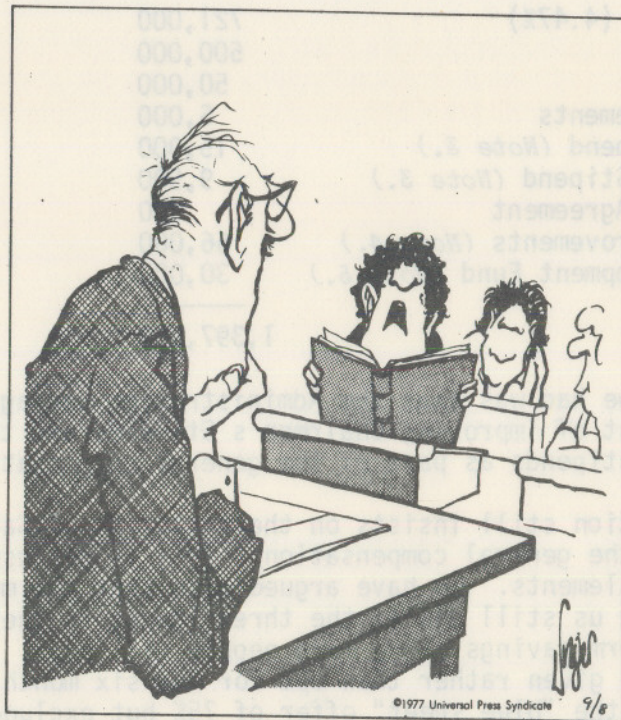


Herman



"The Marquis of Halifax writes, 'The vanity of teaching doth oft tempt man to forget he is a blockhead'."

"Another misconception is that the process of negotiation resembles a faculty meeting run by Robert's Rules of Order. Negotiation is a process of give and take with most solutions arrived at by compromise rather than by a series of resolutions resolved by majority vote. Faculty members are not the only ones with misconceptions about negotiations. Some campus administrators make the assumption that nothing can be done in negotiations that might decrease their authority in any way. This is a fantasy of which they are shortly disabused after the conclusion of an agreement."

Reprinted from 'Criteria' June 1977.

THE CONCILIATION PROCESS

Donald C. Savage
CAUT

One of the rights the faculty and librarians at Carleton acquired when the Academic Staff Association secured certification was access to the conciliation processes of the Ministry of Labour. Under section 15 of the Labour Relations Act, the Minister of Labour is required to appoint a conciliator on the request of either party. The conciliator has no power to impose a contract. Instead he/she gives his/her good offices to both sides, acts as an intermediary and generally helps the parties to travel that extra mile to get a final agreement. He or she can meet with the parties separately and try out various possible settlements without committing anyone until the package is finally agreed. He or she can chair meetings of the parties or of sub-groups in the hope that the presence of the conciliator will induce reason and moderation. He or she can and frequently does lean on the unreasonable. My experience in the university context is that the process of justifying a position to a third party induces a degree of rationality. The essence of a successful conciliation is compromise rather than unconditional surrender.

The major formal power of the conciliator is that he/she files a report to the Minister of Labour and neither side is usually happy to see a situation develop in which the full blame is placed on them for the breakdown in bargaining.

The Ministry of Labour in Toronto maintains a panel of conciliators who have a long experience in the making of collective agreements. Similar systems of conciliation exist in the other provinces in Canada. Faculty associations have called in conciliators at St. Mary's, Manitoba and Windsor. In all cases the associations found the conciliators fair and reasonable. Faculty should not, however, expect miracles from the conciliator. He/she can only secure a settlement if both sides really want one. I have no doubt that CUASA wants such a settlement, and I have every hope that the administration will want one as well. Experience elsewhere suggests that in a reasonable climate the conciliator can do a great deal to ensuring that the parties make a settlement.

CONCILIATION: AS IT HAPPENS

D.W. Sida

Mr. John Dempster, a Conciliation Officer from the Ministry of Labour, came to Carleton last Monday and Tuesday. He talked with the CUASA and the Administration negotiators, he listened, he arranged meetings, and then went back to Toronto. Next week he will arrive again and thanks to his good offices we are now very hopeful that a settlement will be arranged.

But these processes, like collective bargaining itself, are slow and your negotiators have learnt to be patient and wait. We hope all our members will similarly be patient. The matters separating the two sides do not seem to be many, but we regard them as involving important principles and hence it is worth working hard to achieve a just settlement.

This newsletter attempts to keep the membership in the picture as best we can under the circumstances. Members requiring more details or wishing to express their views should contact their council members.

There are only a fairly small number of major issues that are now outstanding. The route to a collective agreement requires continuing openness on these issues. There is not, for any of them, only one position that is acceptable to the Association and we trust that the same thing is true for the management. CUASA has a negotiating committee and a back-up committee at work on development of alternative approaches to each of the outstanding issues. The purpose of this article is to report some of these approaches and encourage still wider discussion of the possibilities.

1. NON-MEMBER TEACHING: One of the most difficult ideas for CUASA to accept is the management proposal to increase the budget allocation to non-member teaching. This controlled allocation is, of course, only the sum paid to teachers from outside the university. Employment of students is not regulated. We are aware of two major reasons for employment of outsiders. First, in professional and similar programs there are important contributions to be made by outsiders who bring their working experience to Carleton. Second, part time teachers (like term appointees) can be helpful in meeting enrollment bulges that do not appear to represent long term trends. (An earlier reason for appointment of "sessionals", the filling of special limited faculty roles has been largely obviated by the creation of the instructor stream.) The Association has not been presented with any evidence that either of the two major reasons for employment of outsiders is responsible for the present proposal for an increase in the relevant budget category. Indeed, the discussions have suffered seriously from a lack of extensive information on the actual employment in the limited category and the projected needs. Still, it is possible to imagine some devices of a general character which would increase the options open to the deans in ways supportive of our interests.

The most obvious and simplest device to resolve our problems would be to change the present fixed dollar limit on the employment of sessionals into a formula based on enrollment patterns. Short term changes in enrollment could govern the annual allocation, with two factors considered. The first would be a projected need factor based on some accepted standard method for enrollment projection, such as the ones now used in budgeting. The second factor would be a current adjustment if enrollments departed significantly from projections. This approach to the problem assumes that the need for professionals will parallel enrollment changes adequately. This seems likely in the present climate where programs in growth areas are concerned. Any enrollment decline in other areas should, presumably, be reflected in a decrease in the use of sessionals, as has already happened in science. There is one warning to be entered here. Very large enrollment changes cannot be met without employment of regular faculty. The administrative and counselling load of a program falls on full time faculty and the full time faculty must establish the climate and continuity of a student's experience. Too many sessional lecturers or part-time professors will damage the academic quality of any program.

A second approach to meeting needs for a category of appointment outside the bargaining unit has some real appeal to some members of the Association. It is to use this need to ameliorate the difficult employment situation for younger scholars. The university might develop a teaching postdoctoral scheme which would allow for limited terms of appointment in this junior category. In order for such a holding pattern to avoid becoming a second class faculty status, it would be important to limit such appointments to a certain number of years after completion of studies just as is done by the rules governing appointment of post-doctoral research fellows supported under NRC grants. It would also be necessary to ensure the climate for research and scholarly development for such fellows.

The most constructive approach to coping with shifting patterns of enrollment, of course, is not to hire outside the bargaining unit to get "cheap teaching". Rather it is to develop policies to encourage redirection of effort of full time, fully qualified academics. This may require changes in attitudes toward transfer among departments and faculties and a fresh approach to the problems of teaching "service" courses. There are no quick and easy solutions consistent with academic quality in this difficult area, but it is perhaps time to make a commitment to serious study of these problems, if we believe the forecasts that imply a decline in student populations in the eighties. The collective agreement might be a good place to make such a commitment formally. This would be a logical extension of the current commitment to a careful empirical study of faculty age structure.

2. PROMOTION REVIEW: At an early stage of the current negotiations, it seemed that there was a good chance of developing a promotion decision review based on the Senate's tenure review committee. There is much to be said for this approach because the committee has an established reputation for fairness and thorough work. The Association's position has been quite flexible as to whether, at this time, review of the promotion procedure needs to be made final and binding, but the Senate's committee, properly, feels that its involvement should be on that basis. As a result, we have not yet achieved an agreement. The Association remains open to several approaches. We have had some feeling that the management should not seriously object to a review process which was granted only the authority to return cases to the University Promotion Committee for reconsideration. The CUASA requirement in connection with reconsideration is that the University Promotion Committee be asked to present a written explanation of negative findings. A review committee on this model could be constructed on any one of several formulae, using either internal or external reviewers.

In a recently concluded agreement at one University promotion was made fully subject to the normal process of grievance. The Association would be willing to consider this approach for Carleton.

3. PROTECTION OF PROFESSIONAL LIBRARIAN POSITIONS: The number of professional librarians in our library (with the exception of "management exclusions") has been eroded to thirty-one. In some cases, professional librarians have been replaced by, or new positions involving work which is assigned to professional librarians at other institutions have been filled by, staff lacking professional training. This increases the supervisory load on the remaining professional staff, and reduces the attention to the fine details of library management. Thus, while our effort to prevent the former erosion of the present professional librarian complement and to require that new positions of an essentially professional nature be filled by qualified personnel, involves basic protection of the bargaining unit, it is also an attempt to halt the deterioration of an essential and fundamental academic service.

4. MATERNITY LEAVE: Regretably, this is an area of sharp disagreement. Maternity leave is now a generally recognized benefit arising from social (not to mention biological) right. CUASA has been advised that the management is opposed to the granting of paid maternity leave "in principle"; if so, it is simply out of step with society in general and with the overwhelming trend in University collective agreements. CUASA has already made considerable concessions on this item. In fact, we are down the the 12-week minimum of the CAUT guideline, to which we are bound, unless a 2/3 majority of Council dictates otherwise.

The negotiating team and the back-up committee will continue, until an agreement is reached, to search for additional approaches to the solution of outstanding problems.

OTHER CUASA ACTIVITIES

Meanwhile, the rest of the work goes on, the CDI arbitration cases are to be heard next month, a case of alleged discrimination has been lodged with the Ontario Human Rights Commission, and the first CUASA scholarship holder is working on his third year honours Science program.

CUASA WELCOMES

The CUASA Office is pleased to have the services of Mrs. Diane Cooper as secretary. Mrs. Cooper will be in the office Thursday's and Friday's on a regular part time basis, and at other times as required.

CUASA OFFICE ROOM 424 HERZBERG PHYSICS BUILDING PHONE 6387

HOURS OF OPERATION: 8:30 A.M. - 12:00 AND 1:00 - 4:30 P.M.

The administration had indicated in a number of presentation to CUASA that 1,397,000 dollars were available for compensation improvements. The CUASA team took the administration's proposal at face value and tried to eliminate and adjust items in the CUASA proposal to come as close to that amount as we could. By Friday, 16 September, enough information was at hand to do a detailed analysis of the CUASA offer to see what it would actually cost. As the accompanying table shows this most recent CUASA figure is only some 20,000 over the 1,397,000; in addition, some 96,000 is necessary for sabbatical improvements and travel (academic development fund) if the administration still wants it, making the total difference 116,000 out of a University budget of 45 million (or about a quarter of one percent of the budget).

We felt that this indicated that the administration had only a minor job of adjusting a small number of budget categories slightly (if, indeed, 1,397,000 were all that was budgeted) and we could easily reach agreement.

We were surprised and angered when we learned that the administration's response on 20 September instead was to insist that their offer was not 1,397,000 after all, but about 70,000 less than that. In fact, the administration admitted that it did not know how much it's offer really was. The 1,397,000 was in 'nominal' dollars (that is before the amount of nominal salary that sabbaticants don't receive is subtracted) and not 'real' dollars. The amount the administration's offer dropped was almost identical to the amount of the reduction in cost of the CUASA offer; we had reduced the cost by 78,000, the value of the administration's offer went down 70,000.

As the exact composition of the bargaining unit was not know previously in negotiations (due to sabbatical changes, retirements, resignations and replacements, which the administration couldn't, or wouldn't, report in sufficient detail) we had used agreed upon estimates. The estimates we had used were rather crude, but the administration seemed unable to provide us with anything better. For example, we had to use nominal salaries, rather than actual salaries, although the former inflate the actual cost. When we asked for actual salaries the administration replied:

The only information we have available in this regard is the total actually paid to the CUASA bargaining unit each month, which would include any retroactive adjustments. We do not know precisely how many CUASA members are paid during any given month so averages are not available.

We thought that both sides understood that as better data became available it would be used. The administration apparently does not accept this; they prefer to continue to use crude estimates and in fact do not know exactly how much money is available for compensation increases. This, you will appreciate makes 'dividing up the pot' as the administration wants us to do very difficult. The administration would prefer that we decide what proportion goes where and then they will tell us how much it is.

MONETARY ISSUES (continued)

In summary, a lot less money than the administration had previously indicated is now available for compensation improvements (5% less). CUASA, by accurate costing, had brought the offers to within 20,000 on salary items, a small amount in the total University budget.

The CUASA negotiating team thought we would have good news for the membership, in that the two sides were quite close on dollars. The administration scuttled that good news by changing its offer, downwards.

COST OF CUASA SALARY PROPOSALS

SCALE INCREASE OF 6%	922,000	
MERIT PLAN	30,000	
CAREER DEVELOPMENT INCREMENTS	466,000	
	<u>1,418,000</u>	(Note 1.)
TOTAL OF COMPENSATION ESTIMATES (ADMINISTRATION)	<u>1,397,000</u>	(Note 2.) DIFFERENCE 21,000

EXPLANATORY NOTES:

1. The analysis of CUASA's position is still an overestimate since it does not include the savings on the 6% increase in the case of sabbaticants; the information to calculate this is not available to CUASA. As well the savings for employees on leave of absence are not subtracted. This probably lowers the cost some 35,000.

Details of the CDI costs are:

To bring 11 faculty to ceiling	5,000
Fund full CDI (@ 860) for 514 continuing faculty	442,000
Fund full CDI (@ 670) for 29 continuing librarians	19,000
Fund full CDI (@ 630) for 30 continuing instructors	19,000
	<u>485,000</u>
CDI savings for employees on sabbatical	<u>-19,000</u>

466,000

EXPLANATORY NOTES (continued)

2. SUMMARY OF COMPENSATION ESTIMATES (Presented by the administration)

Scale increase (4.47%)	721,000
Current CDI	500,000
Merit	50,000
Benefit Improvements	5,000
Chairmen's Stipend (Note 3.)	15,000
Summer School Stipend (Note 3.)	9,500
Copies of the Agreement	500
Sabbatical Improvements (Note 4.)	66,000
Academic Development Fund (Note 5.)	30,000
	<u>1,397,000</u>

3. The last word we had was that the Administration had agreed not to include the cost of improving Chairmen's Stipends and the increase in Summer School stipends as part of the general compensation.
4. The administration still insists on the inclusion of Sabbatical allowances in the general compensation. This is not usual in Ontario University settlements. We have argued also that the modest increase to 65% (leaving us still one of the three lowest in the province) will lead to long term savings since more people will avail themselves of the opportunity given rather than opt for the six month at full pay. We regret that the "blue sheet" offer of 75% but excluded from the total compensation has not been made formally to the negotiating team.
5. The administration still wishes to withhold this sum to subsidise academic travel at its own discretion.

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