Negotiations with YUFA

April 10, 1997

There are two main issues in negotiations: compensation and retirement. These two issues were the focus for negotiations when YUFA and the administration met with the mediator, Kevin Burkett, over the past weekend. In addition, a third issue has emerged from YUFA: arbitration as the means of resolving this labour dispute.

On Compensation ...

The University administration's offer includes:

- An increase to base salary of 1,844 per person for 1996/97. This is one PTR increment, and has been paid since August 1996. So that this increment is paid over the entire contract year, a retroactive payment of approximately $300 per person would be made.
- An increase in base salary of $1,940 per person, beginning May 1, 1997. This is the PTR increment of $1,844, indexed by 5.2%.
- The equivalent of one PTR increment (approximately $2 million) will be committed to base salary increments which address anomalies created largely by the salary freeze that occurred in the Social Contract Period. This increment will not be distributed across the board to all faculty/librarians.Those most affected by the Social Contract salary freeze will receive a higher increment, those less affected will receive less. On average, the payment will be equivalent to one PTR.
- A renewal of the Professional Expense Allowance of $1,025 for each member in each of 1996/97 and 1997/98.
- The administration's previous proposal was to increase the ceiling for marketability/anomalies adjustments by $200,000. We now propose to take this $200,000 and make it available for compensation increments (e.g. across the board increments) identified by YUFA.
- An increase of $130,000 for the YUFA Benefits Fund. This will support improvements in benefits identified by YUFA.
- $2 million from the pension contribution holiday, to be distributed at YUFA's discretion.

This is what the administration's offer means for the average bargaining unit member.

Effective May 1996	$1,844 increment in base salary
May 1997	$1,940 ($1,844 indexed by 5.2% cost-of-living adjustment)
Benefit improvement	$145

Share of $200,000	$190 (assume YUFA chooses "across the board" distribution)
Share of $2 million	$1,940 (to address disparities between salaries at York and those at other universities)
TOTAL	$6,060
Share of $2 million YUFA Pension Contribution Holiday	?

With respect to salary increases, other universities have delayed, or deferred for later years, the payments of the 1996-97 increments, or made payments and then took some of the money back by having unpaid leave days.

In a number of universities the benefits were reduced as well.

On Retirement

The University could not afford both the very expensive provisions of Article 14 and the PTR increments. The new retirement provisions are still more attractive than those of other universities. The administration has not insisted that the Article 14 provisions implemented in August remain unchanged. We have always been open to negotiations on these matters.

In August, the University administration:

- recognized age 65 as the normal retirement age;
- modified early retirement provisions, while retaining the option of early retirement; and made provision for employees facing low pension due to short service.

Since August, the University administration has added to its offer:

- To extend for one year the beginning of mandatory retirement at age 65. In this transition year faculty who have reached age 65 may continue full-time employment until July 1, 1998.
- To investigate, with YUFA, alternative, flexible retirement arrangements, provided that the principles of self-funding PTR, competitive salaries, and maintenance of the complement can be sustained.

The administration's most recent offer on Article 14 was tabled on March 18, 1997. This proposal provides for a return to age 65 as the normal retirement date on July 1, 1998 - during which time a study would be undertaken to determine an alternative PTR/retirement scheme which would better support competitive PTR increments, maintain the complement, and provide for fairness and individual flexibility in retirement date, including the opportunity to retain full-time/full-load status as a faculty members/professional librarian. The salaries for those who are 65 and older will be capped at the average age 65 barganining unit salary from July 1, 1997 until July 1, 1998. The proposed Article 14 amendments include the entitlement to teach one course per year for up to three years at the CUPE course directorship rate, and a personal expense allowance at the regular employee rate for five years following retirement.

In the administration's proposal, the early retirement incentive payment for those who retire between 60 and

65 has been changed to use the average salary of the retiring individual's age cohort to calculate the allowance to a maximum of one times his/her academic base salary. This followed YUFA's proposal. The administration has also agreed with YUFA to explore the possibility of increasing the years of eligibility for the early retirement allowance to permit a minimum payment after ten years of active service through to a maximum payment after 20 years.

The administration's proposal also provides for transitional arrangements for individuals at age 64 and older and who will be required to retire under the proposed amendments with pensions below a specified amount ($40,000/year or less , and 50% or less than their academic base salary) that would enable them to continue working on a reduced-load/reduced salary basis with full benefits and pension top-up. The entitlement to payment for accrued sabbatical credits has been removed; however, transitional arrangements are provided for those individuals who have accrued sabbatical credits and who would be required to retire under the proposed amendments that would enable them to take a 3- or 6-month leave before retiring.

Arbitration

YUFA has proposed that the current impasse can be resolved either by a mediation-arbitration process or by binding arbitration. The administration has never rejected mediation as a means of assisting the parties in reaching agreement. The administration cannot, however, agree with third-party arbitration as a means for settlement.

Arbitration is not a solution to the difficult issues that divide YUFA and the administration. It effectively acknowledges the incapacity of the parties to reach what is needed - a mutually agreed upon settlement - and substitutes a decision that neither party owns.

As a practical matter, arbitration implicitly favors some "middle" position between the parties. The administration tabled its best offer on the assumption that the issues would be resolved in negotiations, not arbitration. This leaves no room for an arbitration that splits the difference between YUFA's proposal and our own. To agree to go to arbitration implies that the University could accept a result that is as costly, or even half as costly, as YUFA's position in negotiations. It can not.

If YUFA's position were awarded, the implications for the University would be enormous. Any imposition of costs which were not in keeping with the realities of the University budget would necessitate additional cuts beyond the already burdensome levels needed to meet the losses in University income. Under the existing budget plan, Faculties must cut their base budgets by 3% in each of the next two years. YUFA's current proposals on compensation and retirement would mean that the base budget cuts would be 5% in each of these years. An additional one-time-only cut of 2% would be required as well, for interim deficit management. It is clear to all members of the University that additional cuts of this magnitude will severely impair the quality of education.

Arbitration 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. University administrators and faculty must determine an effective contract and its budgetary implications through collective bargaining. Engaging in arbitration on these issues is tantamount to allowing an outsider who has no continuing interest in, or commitment to, the University to have the authority to decide academic priorities for the institution. The arbitrator, unlike faculty and administration, is not accountable for making his or her decision work. Arbitrators do not have to find the money to meet the costs of their judgements, nor must they live with the impact of their decisions.

Some might note that arbitration is a standard way to end disputes in other sectors (e.g. in the essential public services sector) and in other universities. For example, at the University of Toronto there are negotiations on compensation matters between the administration and the Faculty Association. If the negotiations fail to resolve matters the final positions of the two parties are put to arbitration. However, there is a good reason for this process: faculty at the University of Toronto do not belong to a labour union and, therefore, have no legal right to strike as a means for forcing the resolution of a dispute. At the U of T, the parties must have some alternative method in place for resolving an impasse on compensation negotiations. For YUFA, as with other trade unions, the right of employees to withdraw their services is the ultimate method of resolving disputes.

Conclusion

YUFA's current proposals on compensation and retirement would require an additional base budget reallocation to faculty members that would increase current base budget cuts across the University from 6% to 10% over the next two years. These cuts would have to rise still further over the years following when the financial impact of the retirement provisions increases still further.

A strike cannot produce money where none exists. Indeed, it threatens to reduce the University's income through lost enrolment and fees. Above all, a strike threatens the careers, finances and health of our students. Continuing these costs to them by prolonging the strike is not acceptable.

For further information: Watch for mail and posters; Call the York University Emergency Information Line at 736-5600. Check the York home page regularly at http://www.yorku.ca.

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